

**CITY OF SANTA BARBARA
CITY COUNCIL
REDEVELOPMENT AGENCY**

Helene Schneider
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Bendy White
Mayor Pro Tempore/Vice Chair
Grant House
Ordinance Committee Chair
Dale Francisco
Finance Committee Chair
Frank Hotchkiss
Randy Rowse
Michael Self



James L. Armstrong
*City Administrator/
Executive Director*

Stephen P. Wiley
City Attorney/Agency Counsel

City Hall
735 Anacapa Street
<http://www.SantaBarbaraCA.gov>

**OCTOBER 11, 2011
AGENDA**

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council and Redevelopment Agency meetings begin at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the Council/Redevelopment Agency after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

PUBLIC COMMENT: At the beginning of the 2:00 p.m. session of each regular Council/Redevelopment Agency meeting, and at the beginning of each special Council/Redevelopment Agency meeting, any member of the public may address them concerning any item not on the Council/Redevelopment Agency agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the Council/Redevelopment Agency. Should Council/Redevelopment Agency business continue into the evening session of a regular Council/Redevelopment Agency meeting at 6:00 p.m., the Council/Redevelopment Agency will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The Council/Redevelopment Agency, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

REQUEST TO SPEAK: A member of the public may address the Finance or Ordinance Committee or Council/Redevelopment Agency regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or Council/Redevelopment Agency.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the Council/ Redevelopment Agency. A Consent Calendar item is open for discussion by the Council/Redevelopment Agency upon request of a Council/Agency Member, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council/Redevelopment Agency considers the Consent Calendar.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

TELEVISION COVERAGE: Each regular Council meeting is broadcast live in English and Spanish on City TV Channel 18, and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

- 12:30 p.m. - Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 2:00 p.m. - City Council Meeting
- 2:00 p.m. - Redevelopment Agency Meeting

FINANCE COMMITTEE MEETING - 12:30 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

Subject: City Of Santa Barbara Insurance Programs

Recommendation: That the Finance Committee receive a report from staff regarding the City's insurance programs covering city operations and facilities.

**REGULAR CITY COUNCIL MEETING – 2:00 P.M.
REGULAR REDEVELOPMENT AGENCY MEETING – 2:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

- 1. Subject: Fiscal Year 2012 Interim Financial Statements For The Two Months Ended August 31, 2011 (250.02)**

Recommendation: That Council accept the Fiscal Year 2012 Interim Financial Statements For The Two Months Ended August 31, 2011.

- 2. Subject: Approval To Donate Outdated And/Or Inoperable Computer Workstations To The Santa Barbara County Education Office Computers For Families Program (330.05)**

Recommendation: That Council authorize the General Services Manager to donate outdated and/or non-operating computer workstations to the Santa Barbara County Education Office for the Computers for Families Program, as appropriate, through October 31, 2016.

- 3. Subject: Self Insured Workers' Compensation Program Annual Report (350.08)**

Recommendation: That Council receive the Self Insured Workers' Compensation Program Annual Report for the year ended June 30, 2011.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

4. **Subject: Introduction Of An Ordinance For A Lease With Greyhound Lines, Inc. (330.04)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Lease with Two Five-Year Options with Greyhound Lines, Inc., to Lease the City Owned Building at 224 Chapala Street, for a Passenger Bus Service Facility, Effective November 17, 2011.

5. **Subject: Second Supplemental Agreement To Santa Barbara City College Joint Use Agreement Regarding Joint Use Of Vehicles (150.05)**

Recommendation: That Council authorize the Parks and Recreation Director to execute a second Supplemental Agreement to Agreement No. 12,427, Joint Use Agreement with Santa Barbara City College (SBCC), for the shared use of vehicles.

6. **Subject: Agreement For Surface Water And Groundwater Monitoring (540.10)**

Recommendation: That Council authorize the Public Works Director to execute a joint funding agreement with the United States Geological Survey for water resources investigations related to surface water and groundwater measurements, for the period of November 1, 2011, through October 31, 2012, with a City cost share not to exceed \$111,150.

7. **Subject: Contract For Preliminary Design Services For The El Estero Wastewater Treatment Plant Aeration System Improvements (540.13)**

Recommendation: That Council authorize the Public Works Director to execute a Professional Services contract with Brown and Caldwell in the amount of \$362,624 for Preliminary Design Services for the El Estero Wastewater Treatment Plant Aeration System Improvements Project, and authorize the Public Works Director to approve expenditures of up to \$36,262 for extra services of Brown and Caldwell that may result from necessary changes in the scope of work.

REDEVELOPMENT AGENCY

8. **Subject: Minutes**

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the special meetings of June 28 and August 23, 2011.

CONSENT CALENDAR (CONT'D)

REDEVELOPMENT AGENCY (CONT'D)

9. Subject: Redevelopment Agency Fiscal Year 2012 Interim Financial Statements For The Two Months Ended August 31, 2011

Recommendation: That Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2012 Interim Financial Statements for the Two Months Ended August 31, 2011.

NOTICES

10. The City Clerk has on Thursday, October 6, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
11. The public hearing scheduled for October 11, 2011, at 2:00 p.m. to hear an appeal of the Parks and Recreation Commission's denial of an application for the property located at 740 Flora Vista Drive, has been cancelled due to withdrawal of the appeal.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

AIRPORT DEPARTMENT

12. Subject: Contract With Coffman Associates For Airport Master Plan (560.09)

Recommendation: That Council approve and authorize the Airport Director to execute a contract with Coffman Associates, a Missouri Corporation, for the preparation of an Airport Master Plan in an amount not to exceed \$893,595.

PUBLIC HEARINGS

13. Subject: Appeal Of 860 Jimeno Road And 1402 Grand Avenue Single Family Design Board Approvals (640.07)

Recommendation: That Council deny the appeal of Tony Fisher, Attorney representing Mike and Linda Cahill, and uphold the Single Family Design Board (SFDB) Approvals of the as-built window and door changes to 860 Jimeno Road and proposed entry gate, turnaround, two-car garage, and relocation of property line fence for 1402 Grand Avenue.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

14. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Santa Barbara Channelkeeper v. City of Santa Barbara, USDC Case No. CV-1103624 JHN (AGRx)

Scheduling: Duration: 30 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA

FINANCE COMMITTEE

MEETING AGENDA

DATE: October 11, 2011

TIME: 12:30 P.M.

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Dale Francisco, Chair

Michael Self

Bendy White

James L. Armstrong
City Administrator

Robert Samario
Finance Director

ITEM TO BE CONSIDERED:

Subject: City Of Santa Barbara Insurance Programs

Recommendation: That the Finance Committee receive a report from staff regarding the City's insurance programs covering city operations and facilities.



CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: October 11, 2011

TO: Mayor and Councilmembers

FROM: Risk Management Division, Finance Department

SUBJECT: City Of Santa Barbara Insurance Programs

RECOMMENDATION:

That the Finance Committee receive a report from staff regarding the City's insurance programs covering city operations and facilities.

DISCUSSION:

City Council established the "Workers' Compensation Self-Insurance Trust Fund" in November 1974. City Council amended and revised this program over the ensuing years into its current format known as the Self-Insurance Trust Fund, which is administered by the Risk Management Division of the Finance Department.

The Self-Insurance Trust Fund provides a funding source that covers a variety of exposures to loss or damage. The types of coverage include workers' compensation; general liability; automobile liability; property, including earthquake and boiler and machinery; airport liability; marine liability; employee dishonesty (crime); notary bonds; and volunteer medical insurance. This report provides a brief discussion about each of the major types of coverage provided, the dollar value of coverage limits, any associated deductible, otherwise known as the Self-Insured Retention (SIR), and the premium costs for each type of coverage for Fiscal Year 2012.

Workers' Compensation

California law requires that all employers provide workers' compensation coverage for their employees. City Council authorized the creation of the self insured workers' compensation program in November 1974. The City obtained approval from the Department of Industrial Relations to implement a self insured workers' compensation program in 1978. The City purchases excess insurance to cover any workers' compensation loss that exceeds the designated SIR. The SIR value has varied from year to year since the inception of the program.

The City purchased excess workers' compensation insurance through the California State Association of Counties Excess Insurance Authority (CSAC-EIA) for Fiscal Year 2012 with a \$750,000 SIR. The premium for this excess insurance equals \$164,917. The premium for Fiscal Year 2012 increased by 8% from Fiscal Year 2011 (\$152,087).

General and Automobile Liability

City Council authorized the creation of a self insured general and automobile liability program in December 1976. This action by the City Council combined the existing self insured workers' compensation program with the newly created self insured liability program. The resolution establishing the Self Insurance Trust Fund requires staff to review and adjust the limits of insurance and any associated deductible or SIR on an annual basis.

The City is a founding member of a joint powers authority risk sharing pool. The Authority for California Cities Excess Liability (ACCEL) is a group of medium-size California cities that share the combined risk of losses in excess of SIR amounts. Member cities first joined together in 1986 when the commercial marketplace was unable to offer cities sufficient insurance coverage. ACCEL pools General Liability, Automobile Liability, and Public Officials Errors and Omissions losses. Member cities share risk in excess of \$1,000,000. ACCEL covers almost every catastrophic loss incurred by its members, thereby eliminating the need for commercial excess insurance protection.

Each ACCEL member city has a representative on the Board of Directors. The Board and its committees are responsible for deciding the risks the Authority will underwrite, monitoring the costs of large claims, and arranging financial programs. Underwriting decisions determine the eligibility of cities for membership and identify specific risks that will not be pooled.

ACCEL provides pooled coverage for losses ranging from \$1,000,000 to \$5,000,000. For Fiscal Year 2012, eight ACCEL members (including the City of Santa Barbara) participate in a joint purchase of excess liability insurance coverage for losses ranging from \$5,000,000 to \$50,000,000. Three smaller member agencies purchase limits up to \$35,000,000. Four ACCEL member agencies purchase additional excess liability insurance coverage ranging from \$50,000,000 to \$150,000,000. The City does not purchase excess liability coverage above the \$50,000,000 limits.

The City's Fiscal Year 2012 premium for the pooled losses (\$1 Million - \$5 Million) is \$477,859. The Fiscal Year 2012 premium for the excess coverage (\$5 Million - \$50 Million) is \$190,054. Each agency also pays a pro-rata share of the administrative costs for the JPA pool administrator. The administrative fee paid in Fiscal Year 2012 is \$38,513. The total amount paid for excess liability coverage in Fiscal Year 2012 is \$706,426, which represents a 5% decrease from the prior year (\$745,074).

The limits of coverage provided by ACCEL have increased since the inception of the pool in 1986. The chart below lists the coverage limits under the ACCEL program for each fiscal year.

Fiscal Year	Self Insured Retention	Pooled Layer	Coverage Limits
FY87 – FY90	\$ 1,000,000	\$9,000,000	\$ 10,000,000
FY91 – FY95	\$ 1,000,000	\$9,000,000	\$ 20,000,000
FY95	\$ 1,000,000	\$4,000,000	\$ 15,000,000
FY96	\$ 1,000,000	\$4,000,000	\$ 20,000,000
FY97	\$ 1,000,000	\$3,000,000	\$ 20,000,000
FY98 - FY99	\$ 1,000,000	\$ -	\$ 20,000,000
FY00 – FY03	\$ 500,000	\$ -	\$ 20,000,000
FY04	\$ 1,000,000	\$2,000,000	\$ 23,000,000
FY05 - FY06	\$ 1,000,000	\$4,000,000	\$ 25,000,000
FY07	\$ 1,000,000	\$4,000,000	\$ 35,000,000
FY08 - FY12	\$ 1,000,000	\$4,000,000	\$ 50,000,000

Property, Boiler and Machinery, Earthquake Insurance

The City purchases an “all risk” insurance policy for property damage through a joint purchase plan called Public Entity Property Insurance Program (PEPIP). Numerous public agencies throughout the western United States purchase property insurance as part of PEPIP. This joint purchase program allows the participants to negotiate better terms of coverage and price than they could obtain alone.

PEPIP provides coverage for property damage to owned buildings; extends coverage for damage to boilers and machinery; and includes designated limits of \$50,000,000 for earthquake coverage for City owned facilities. The PEPIP policy provides property coverage for City facilities with total insured values (TIV) of \$390,003,358. The policy includes a deductible amount of \$50,000 per occurrence (except Stearns Wharf which is \$250,000) and a maximum loss limit of \$1,000,000,000. The Earthquake portion of the policy includes TIV of \$443,461,488. The earthquake portion of the policy includes a deductible of a minimum of \$100,000 or 5% of the loss and a maximum loss limit of \$50,000,000.

The property insurance policy provides coverage for items beyond the building structures, such as business interruption expense; money and securities; unscheduled fine arts; boilers and machinery; the City’s fleet of vehicles and vessels; and cyber liability (new this year).

The inclusion of Boiler and Machinery coverage in this policy eliminates the need for the City to purchase separate coverage for this peril. The City owns and operates a variety of commercial machines. In Fiscal Year 2012, the City’s premium is \$4,906 for Boiler &

Machinery, \$446,510 for all-risk property coverage, and \$774,407 for earthquake coverage for a total of \$1,225,823. This is a 13% increase from last year's premium of \$1,083,984.

Course of Construction

In Fiscal Year 2011, the City purchased an addition to the PEPIP property policy to cover the Airport Terminal renovations and improvements called Course of Construction (COC) coverage. This addition to the property insurance policy provides coverage for any damages to the Airport Terminal structure that may occur during the construction process before the City begins using the building for its intended purpose.

The completion of the main terminal project allowed the City to drop this coverage from its portfolio of insurance policies. The PEPIP property policy does provide coverage for the COC on the remaining portion of the construction project. Eliminating the COC policy reduced the annual property insurance premium by \$131,016 (amount paid in 2011).

Airport & Aviation:

The ACCEL risk sharing pool does not cover any losses arising from the ownership or operations of an airport. The City purchases a separate liability policy that provides Bodily Injury and Property Damage Liability. The policy includes a \$0 deductible, with coverage limits of \$50,000,000 per occurrence. The annual premium for this policy equals \$20,275. The premium paid in Fiscal Year 2012 decreased 10% from prior year (\$22,528).

Marine Coverage:

The ACCEL risk sharing pool does not cover any losses arising from the ownership or operations of boats or other marine vessels. The City purchases two separate liability policies that provide Bodily Injury and Property Damage Liability to cover the 14 Vessels owned by the Waterfront and Water Resources. The primary insurance policy includes a \$1,000 deductible with coverage limits of \$1,000,000. The annual premium for the primary policy equals \$4,724. The excess policy includes a \$1,000,000 deductible, with coverage limits of \$5,000,000. The annual premium for the excess Marine coverage equals \$11,700. The average cost for the excess coverage equals \$836 per vessel. The total premium paid in Fiscal Year 2012 (\$16,424) decreased 13% from the prior year (\$18,846).

Employee Dishonesty (Crime):

The Employee Dishonesty or Crime policy provides coverage for employee theft; forgery or alteration; theft of money and securities; robbery; computer fraud; funds transfer fraud; and money orders and counterfeit money. The policy also provides the mandatory coverage for specific officials as required by California law. The annual premium for this coverage equals \$6,511 for Fiscal Year 2012.

PREPARED BY: Mark W. Howard, Risk Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2011

TO: Mayor and Councilmembers

FROM: Accounting Division, Finance Department

SUBJECT: Fiscal Year 2012 Interim Financial Statements For The Two Months Ended August 31, 2011

RECOMMENDATION:

That Council accept the Fiscal Year 2012 Interim Financial Statements for the Two Months Ended August 31, 2011.

DISCUSSION:

The interim financial statements for the two months ended August 31, 2011 (16.7% of the fiscal year) are attached. The interim financial statements include budgetary activity in comparison to actual activity for the General Fund, Enterprise Funds, Internal Service Funds, and select Special Revenue Funds.

ATTACHMENT: Interim Financial Statements for the Two Months Ended August 31, 2011

PREPARED BY: Ruby Carrillo, Accounting Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
GENERAL FUND					
Revenue	103,109,069	13,666,835	-	89,442,234	13.3%
Expenditures	103,175,483	16,417,425	1,260,658	85,497,400	17.1%
<i>Addition to / (use of) reserves</i>	<u>(66,414)</u>	<u>(2,750,590)</u>	<u>(1,260,658)</u>		
WATER OPERATING FUND					
Revenue	35,671,185	6,568,563	-	29,102,622	18.4%
Expenditures	44,255,456	6,584,109	1,803,153	35,868,193	19.0%
<i>Addition to / (use of) reserves</i>	<u>(8,584,271)</u>	<u>(15,546)</u>	<u>(1,803,153)</u>		
WASTEWATER OPERATING FUND					
Revenue	16,395,810	2,924,533	-	13,471,277	17.8%
Expenditures	17,319,159	2,195,038	1,906,724	13,217,397	23.7%
<i>Addition to / (use of) reserves</i>	<u>(923,349)</u>	<u>729,495</u>	<u>(1,906,724)</u>		
DOWNTOWN PARKING					
Revenue	7,036,049	1,353,716	-	5,682,333	19.2%
Expenditures	7,740,887	1,054,218	585,888	6,100,780	21.2%
<i>Addition to / (use of) reserves</i>	<u>(704,838)</u>	<u>299,498</u>	<u>(585,888)</u>		
AIRPORT OPERATING FUND					
Revenue	14,880,151	2,308,537	-	12,571,614	15.5%
Expenditures	15,289,313	1,961,869	415,417	12,912,026	15.5%
<i>Addition to / (use of) reserves</i>	<u>(409,162)</u>	<u>346,668</u>	<u>(415,417)</u>		
GOLF COURSE FUND					
Revenue	2,060,146	361,877	-	1,698,269	17.6%
Expenditures	2,061,406	410,769	104,492	1,546,146	25.0%
<i>Addition to / (use of) reserves</i>	<u>(1,260)</u>	<u>(48,892)</u>	<u>(104,492)</u>		
INTRA-CITY SERVICE FUND					
Revenue	5,502,499	991,794	-	4,510,705	18.0%
Expenditures	5,983,212	894,633	438,001	4,650,578	22.3%
<i>Addition to / (use of) reserves</i>	<u>(480,713)</u>	<u>97,161</u>	<u>(438,001)</u>		

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
FLEET REPLACEMENT FUND					
Revenue	2,230,083	359,687	-	1,870,396	16.1%
Expenditures	3,663,347	279,079	(252,657)	3,636,925	0.7%
<i>Addition to / (use of) reserves</i>	<u>(1,433,264)</u>	<u>80,608</u>	<u>252,657</u>		
FLEET MAINTENANCE FUND					
Revenue	2,530,723	414,493	-	2,116,230	16.4%
Expenditures	2,485,283	324,402	292,414	1,868,467	24.8%
<i>Addition to / (use of) reserves</i>	<u>45,440</u>	<u>90,091</u>	<u>(292,414)</u>		
SELF INSURANCE TRUST FUND					
Revenue	5,391,678	864,159	-	4,527,519	16.0%
Expenditures	8,959,711	1,408,468	257,854	7,293,389	18.6%
<i>Addition to / (use of) reserves</i>	<u>(3,568,033)</u>	<u>(544,309)</u>	<u>(257,854)</u>		
INFORMATION SYSTEMS ICS FUND					
Revenue	2,306,135	384,356	-	1,921,779	16.7%
Expenditures	2,338,963	386,245	56,377	1,896,341	18.9%
<i>Addition to / (use of) reserves</i>	<u>(32,828)</u>	<u>(1,889)</u>	<u>(56,377)</u>		
WATERFRONT FUND					
Revenue	12,203,518	2,348,148	-	9,855,370	19.2%
Expenditures	11,879,484	1,695,646	873,479	9,310,358	21.6%
<i>Addition to / (use of) reserves</i>	<u>324,034</u>	<u>652,502</u>	<u>(873,479)</u>		
TOTAL FOR ALL FUNDS					
Revenue	209,317,046	32,546,697	-	176,770,349	15.5%
Expenditures	225,151,704	33,611,902	7,741,802	183,798,001	18.4%
<i>Addition to / (use of) reserves</i>	<u>(15,834,658)</u>	<u>(1,065,205)</u>	<u>(7,741,802)</u>		

**** It is City policy to adopt a balanced budget. In most cases, encumbrance balances exist at year-end. These encumbrance balances are obligations of each fund and must be reported at the beginning of each fiscal year. In addition, a corresponding appropriations entry must be made in order to accommodate the 'carried-over' encumbrance amount. Most differences between budgeted annual revenues and expenses are due to these encumbrance carryovers.**

CITY OF SANTA BARBARA
General Fund
Interim Statement of Budgeted and Actual Revenues
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Remaining Balance	Percent Received	Previous YTD
TAXES					
Sales and Use	17,949,013	2,206,367	15,742,646	12.3%	1,961,993
Property Taxes	23,063,000	-	23,063,000	0.0%	-
Utility Users Tax	7,144,500	1,209,981	5,934,519	16.9%	1,188,669
Transient Occupancy Tax	12,865,000	3,028,167	9,836,833	23.5%	2,704,447
Franchise Fees	3,593,200	628,439	2,964,761	17.5%	552,071
Business License	2,229,800	250,897	1,978,903	11.3%	279,877
Real Property Transfer Tax	410,000	68,501	341,499	16.7%	66,798
<i>Total</i>	67,254,513	7,392,351	59,862,162	11.0%	6,753,856
LICENSES & PERMITS					
Licenses & Permits	182,900	40,108	142,792	21.9%	20,111
<i>Total</i>	182,900	40,108	142,792	21.9%	20,111
FINES & FORFEITURES					
Parking Violations	2,403,500	488,603	1,914,897	20.3%	409,052
Library Fines	133,516	20,081	113,435	15.0%	17,655
Municipal Court Fines	180,000	14,300	165,700	7.9%	8,575
Other Fines & Forfeitures	210,000	34,771	175,229	16.6%	35,881
<i>Total</i>	2,927,016	557,755	2,369,261	19.1%	471,163
USE OF MONEY & PROPERTY					
Investment Income	740,827	200,458	540,369	27.1%	136,520
Rents & Concessions	397,952	16,168	381,784	4.1%	70,911
<i>Total</i>	1,138,779	216,626	922,153	19.0%	207,431
INTERGOVERNMENTAL					
Grants	488,610	20,522	468,088	4.2%	93,144
Vehicle License Fees	200,000	198,535	1,465	99.3%	74,717
Reimbursements	14,040	1,323	12,717	9.4%	1,396
<i>Total</i>	702,650	220,380	482,270	31.4%	169,257
FEES & SERVICE CHARGES					
Finance	860,000	140,565	719,435	16.3%	141,266
Community Development	4,525,570	849,718	3,675,852	18.8%	804,864
Recreation	2,274,257	511,087	1,763,170	22.5%	544,978
Public Safety	499,673	98,063	401,610	19.6%	74,721
Public Works	5,286,083	863,630	4,422,453	16.3%	907,647
Library	675,575	22,316	653,259	3.3%	4,831
Reimbursements	6,227,567	958,041	5,269,526	15.4%	945,937
<i>Total</i>	20,348,725	3,443,419	16,905,306	16.9%	3,424,245
OTHER MISCELLANEOUS REVENUES					
Miscellaneous	1,392,091	471,889	920,202	33.9%	456,480
Indirect Allocations	6,111,818	1,018,636	5,093,182	16.7%	1,086,752
Operating Transfers-In	3,050,577	305,670	2,744,907	10.0%	175,760
<i>Total</i>	10,554,486	1,796,196	8,758,290	17.0%	1,718,991
TOTAL REVENUES	103,109,069	13,666,835	89,442,234	13.3%	12,765,053

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>** Remaining Balance</u>	<u>YTD Expended and Encumbered</u>	<u>Previous YTD</u>
GENERAL GOVERNMENT						
<u>Mayor & City Council</u>						
MAYOR	725,196	82,152	1,592	641,452	11.5%	
<i>Total</i>	<u>725,196</u>	<u>82,152</u>	<u>1,592</u>	<u>641,452</u>	11.5%	<u>125,696</u>
<u>City Attorney</u>						
CITY ATTORNEY	1,930,640	322,794	-	1,607,846	16.7%	
<i>Total</i>	<u>1,930,640</u>	<u>322,794</u>	<u>-</u>	<u>1,607,846</u>	16.7%	<u>395,455</u>
<u>Administration</u>						
CITY ADMINISTRATOR	1,468,399	215,222	1,593	1,251,584	14.8%	
CITY TV	436,352	53,445	42,300	340,607	21.9%	
<i>Total</i>	<u>1,904,751</u>	<u>268,982</u>	<u>43,892</u>	<u>1,591,877</u>	16.4%	<u>313,537</u>
<u>Administrative Services</u>						
CITY CLERK	447,245	64,470	21,350	361,425	19.2%	
ADMIN SVCS-ELECTIONS	300,000	944	213,725	85,331	71.6%	
HUMAN RESOURCES	1,197,982	165,434	28,961	1,003,587	16.2%	
ADMIN SVCS-EMPLOYEE DEVELOPMENT	14,447	-	-	14,447	0.0%	
<i>Total</i>	<u>1,959,674</u>	<u>230,848</u>	<u>264,036</u>	<u>1,464,791</u>	25.3%	<u>261,842</u>
<u>Finance</u>						
ADMINISTRATION	219,098	28,894	-	190,204	13.2%	
TREASURY	482,061	59,891	-	422,170	12.4%	
CASHIERING & COLLECTION	417,180	69,481	-	347,699	16.7%	
LICENSES & PERMITS	417,558	66,379	961	350,218	16.1%	
BUDGET MANAGEMENT	396,344	60,668	-	335,676	15.3%	
ACCOUNTING	478,913	38,034	59,160	381,719	20.3%	
PAYROLL	268,474	36,839	-	231,635	13.7%	
ACCOUNTS PAYABLE	207,832	30,860	-	176,972	14.8%	
CITY BILLING & CUSTOMER SERVICE	583,635	55,598	-	528,037	9.5%	
PURCHASING	659,344	102,454	3,360	553,529	16.0%	
CENTRAL STORES	160,010	23,800	500	135,710	15.2%	
MAIL SERVICES	102,301	14,946	500	86,855	15.1%	
<i>Total</i>	<u>4,392,750</u>	<u>587,844</u>	<u>64,481</u>	<u>3,740,425</u>	14.9%	<u>807,483</u>
TOTAL GENERAL GOVERNMENT	<u>10,913,011</u>	<u>1,492,619</u>	<u>374,002</u>	<u>9,046,391</u>	17.1%	<u>1,904,012</u>
PUBLIC SAFETY						
<u>Police</u>						
CHIEF'S STAFF	979,104	153,537	875	824,692	15.8%	
SUPPORT SERVICES	574,199	98,081	1,460	474,658	17.3%	
RECORDS	1,172,517	177,504	11,227	983,786	16.1%	
COMMUNITY SVCS	729,721	110,812	5,559	613,350	15.9%	
PROPERTY ROOM	165,159	21,172	1,392	142,595	13.7%	
TRNG/RECRUITMENT	405,269	92,346	15,004	297,919	26.5%	

CITY OF SANTA BARBARA
General Fund
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For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
PUBLIC SAFETY						
<u>Police</u>						
RANGE	1,184,348	201,804	53,120	929,424	21.5%	
BEAT COORDINATORS	784,859	118,343	-	666,516	15.1%	
INFORMATION TECHNOLOGY	1,275,768	333,560	58,859	883,349	30.8%	
INVESTIGATIVE DIVISION	4,582,903	653,765	8,800	3,920,338	14.5%	
CRIME LAB	130,163	19,993	-	110,170	15.4%	
PATROL DIVISION	14,663,551	2,260,285	192,052	12,211,213	16.7%	
TRAFFIC	1,288,412	173,154	1,100	1,114,158	13.5%	
SPECIAL EVENTS	772,599	421,692	(18,378)	369,285	52.2%	
TACTICAL PATROL FORCE	1,324,561	160,344	-	1,164,217	12.1%	
STREET SWEEPING ENFORCEMENT	294,783	45,078	-	249,705	15.3%	
NIGHT LIFE ENFORCEMENT	297,965	39,347	-	258,618	13.2%	
PARKING ENFORCEMENT	931,552	127,812	27,800	775,940	16.7%	
CCC	2,361,140	322,947	(117)	2,038,310	13.7%	
ANIMAL CONTROL	607,170	105,745	-	501,425	17.4%	
<i>Total</i>	<u>34,525,743</u>	<u>5,637,526</u>	<u>358,753</u>	<u>28,529,464</u>	17.4%	<u>6,376,504</u>
<u>Fire</u>						
ADMINISTRATION	740,779	118,919	6,041	615,819	16.9%	
EMERGENCY SERVICES AND PUBLIC ED	246,838	35,190	3,139	208,509	15.5%	
PREVENTION	1,109,296	167,526	1,207	940,564	15.2%	
WILDLAND FIRE MITIGATION PROGRAM	172,505	26,720	12,150	133,635	22.5%	
OPERATIONS	17,119,140	2,495,202	71,943	14,551,995	15.0%	
ARFF	1,698,433	274,372	-	1,424,061	16.2%	
<i>Total</i>	<u>21,086,991</u>	<u>3,117,929</u>	<u>94,480</u>	<u>17,874,582</u>	15.2%	<u>4,062,260</u>
TOTAL PUBLIC SAFETY	<u>55,612,734</u>	<u>8,755,455</u>	<u>453,233</u>	<u>46,404,046</u>	16.6%	<u>10,438,765</u>
PUBLIC WORKS						
<u>Public Works</u>						
ADMINISTRATION	868,519	120,230	11,932	736,357	15.2%	
ENGINEERING SVCS	4,367,118	636,728	6,809	3,723,581	14.7%	
PUBLIC RT OF WAY MGMT	1,167,214	162,040	3,606	1,001,569	14.2%	
ENVIRONMENTAL PROGRAMS	370,158	33,739	68,490	267,930	27.6%	
<i>Total</i>	<u>6,773,009</u>	<u>952,736</u>	<u>90,837</u>	<u>5,729,436</u>	15.4%	<u>1,159,369</u>
TOTAL PUBLIC WORKS	<u>6,773,009</u>	<u>952,736</u>	<u>90,837</u>	<u>5,729,436</u>	15.4%	<u>1,159,369</u>
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
PRGM MGMT & BUS SVCS	370,912	83,976	99	286,837	22.7%	
FACILITIES	731,720	117,673	15,467	598,580	18.2%	
YOUTH ACTIVITIES	743,003	225,138	4,716	513,149	30.9%	
SR CITIZENS	717,260	108,236	48,586	560,438	21.9%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
AQUATICS	1,040,683	355,692	39,288	645,703	38.0%	
SPORTS	423,214	57,325	18,300	347,589	17.9%	
TENNIS	224,714	39,295	-	185,419	17.5%	
NEIGHBORHOOD & OUTREACH SERV	980,833	207,833	5,889	767,111	21.8%	
ADMINISTRATION	522,889	80,808	-	442,081	15.5%	
PROJECT MANAGEMENT TEAM	222,476	37,141	-	185,335	16.7%	
BUSINESS SERVICES	299,201	41,900	12,323	244,979	18.1%	
FACILITY & PROJECT MGT	956,950	264,872	2,000	690,078	27.9%	
GROUNDS MANAGEMENT	4,119,025	599,501	64,231	3,455,294	16.1%	
FORESTRY	1,160,228	164,315	74,936	920,977	20.6%	
BEACH MAINTENANCE	146,160	12,260	16,710	117,190	19.8%	
<i>Total</i>	<u>12,659,268</u>	<u>2,395,964</u>	<u>302,545</u>	<u>9,960,759</u>	21.3%	<u>2,560,966</u>
<u>Library</u>						
ADMINISTRATION	420,294	54,900	-	365,394	13.1%	
PUBLIC SERVICES	1,822,641	282,288	-	1,540,353	15.5%	
SUPPORT SERVICES	1,687,541	201,833	5,400	1,480,308	12.3%	
<i>Total</i>	<u>3,930,476</u>	<u>539,021</u>	<u>5,400</u>	<u>3,386,055</u>	13.9%	<u>679,581</u>
TOTAL COMMUNITY SERVICES	<u>16,589,744</u>	<u>2,934,985</u>	<u>307,945</u>	<u>13,346,814</u>	19.5%	<u>3,240,546</u>
COMMUNITY DEVELOPMENT						
<u>Community Development</u>						
ADMINISTRATION	456,182	83,446	1,207	371,529	18.6%	
ECON DEV	52,667	6,402	-	46,265	12.2%	
CITY ARTS ADVISORY PROGRAM	427,260	-	-	427,260	0.0%	
HUMAN SVCS	855,862	9,349	-	846,513	1.1%	
RDA	715,653	92,975	-	622,678	13.0%	
RDA HSG DEV	611,074	98,145	-	512,929	16.1%	
LR PLANNING/STUDIES	778,182	107,512	680	669,991	13.9%	
DEV & DESIGN REVIEW	1,065,206	163,647	11,861	889,699	16.5%	
ZONING	1,245,146	168,224	4,893	1,072,030	13.9%	
DESIGN REV & HIST PRESERVATN	973,897	145,053	5,156	823,688	15.4%	
BLDG PERMITS	1,041,921	152,760	664	888,497	14.7%	
RECORDS & ARCHIVES	524,969	76,811	9,479	438,679	16.4%	
PLAN CK & COUNTER SRV	1,271,905	229,230	701	1,041,973	18.1%	
<i>Total</i>	<u>10,019,924</u>	<u>1,333,808</u>	<u>34,642</u>	<u>8,651,475</u>	13.7%	<u>1,585,767</u>
TOTAL COMMUNITY DEVELOPMENT	<u>10,019,924</u>	<u>1,333,808</u>	<u>34,642</u>	<u>8,651,475</u>	13.7%	<u>1,585,767</u>
NON-DEPARTMENTAL						
<u>Non-Departmental</u>						
DUES, MEMBERSHIPS, & LICENSES	22,272	667	-	21,605	3.0%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
NON-DEPARTMENTAL						
<u>Non-Departmental</u>						
COMMUNITY PROMOTIONS	1,536,799	487,597	-	1,049,202	31.7%	
SPECIAL PROJECTS	381,073	70,550	-	310,523	18.5%	
TRANSFERS OUT	43,500	7,250	-	36,250	16.7%	
DEBT SERVICE TRANSFERS	349,983	295,259	-	54,724	84.4%	
CAPITAL OUTLAY TRANSFER	519,005	86,501	-	432,504	16.7%	
APPROP. RESERVE	414,429	-	-	414,429	0.0%	
<i>Total</i>	3,267,061	947,823	-	2,319,238	29.0%	914,148
TOTAL NON-DEPARTMENTAL	3,267,061	947,823	-	2,319,238	29.0%	914,148
TOTAL EXPENDITURES	103,175,483	16,417,425	1,260,658	85,497,400	17.1%	19,242,608

*** The legal level of budgetary control is at the department level for the General Fund. Therefore, as long as the department as a whole is within budget, budgetary compliance has been achieved. The City actively monitors the budget status of each department and takes measures to address potential over budget situations before they occur.*

For Enterprise and Internal Service Funds, the legal level of budgetary control is at the fund level. The City also monitors and addresses these fund types for potential over budget situations.

CITY OF SANTA BARBARA
Special Revenue Funds
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget
TRAFFIC SAFETY FUND					
Revenue	515,000	80,075	-	434,925	15.5%
Expenditures	515,000	80,075	-	434,925	15.5%
<i>Revenue Less Expenditures</i>	-	-	-	-	
CREEK RESTORATION/WATER QUALITY IMPRVMT					
Revenue	2,800,800	635,379	-	2,165,421	22.7%
Expenditures	3,442,236	411,151	459,708	2,571,377	25.3%
<i>Revenue Less Expenditures</i>	(641,436)	224,229	(459,708)	(405,957)	
SOLID WASTE PROGRAM					
Revenue	18,331,232	3,028,938	-	15,302,294	16.5%
Expenditures	18,767,326	2,801,216	87,883	15,878,227	15.4%
<i>Revenue Less Expenditures</i>	(436,094)	227,722	(87,883)	(575,933)	
COMM.DEVELOPMENT BLOCK GRANT					
Revenue	1,296,033	83,448	-	1,212,585	6.4%
Expenditures	2,070,791	179,532	(6,916)	1,898,175	8.3%
<i>Revenue Less Expenditures</i>	(774,758)	(96,084)	6,916	(685,590)	
COUNTY LIBRARY					
Revenue	1,858,999	55,243	-	1,803,756	3.0%
Expenditures	1,911,276	252,005	19,992	1,639,279	14.2%
<i>Revenue Less Expenditures</i>	(52,277)	(196,761)	(19,992)	164,476	
STREETS FUND					
Revenue	10,393,577	1,821,429	-	8,572,148	17.5%
Expenditures	11,963,741	1,151,045	457,992	10,354,704	13.4%
<i>Revenue Less Expenditures</i>	(1,570,164)	670,384	(457,992)	(1,782,556)	
MEASURE A					
Revenue	2,774,034	459,705	-	2,314,329	16.6%
Expenditures	2,877,223	175,421	1,238,908	1,462,895	49.2%
<i>Revenue Less Expenditures</i>	(103,189)	284,285	(1,238,908)	851,434	

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

WATER OPERATING FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Water Sales - Metered	30,700,000	5,625,817	-	25,074,183	18.3%	5,636,375
Service Charges	450,192	96,860	-	353,332	21.5%	68,130
Cater JPA Treatment Charges	2,619,000	631,441	-	1,987,559	24.1%	-
Investment Income	791,800	117,502	-	674,298	14.8%	154,996
Miscellaneous	604,691	12,692	-	591,999	2.1%	2,466
Operating Transfers-In	505,502	84,250	-	421,252	16.7%	-
TOTAL REVENUES	35,671,185	6,568,563	-	29,102,622	18.4%	5,861,967
EXPENSES						
Salaries & Benefits	7,649,148	1,063,192	-	6,585,956	13.9%	1,345,381
Materials, Supplies & Services	9,646,197	889,767	1,829,636	6,926,794	28.2%	1,103,804
Special Projects	2,969,357	48,691	(26,785)	2,947,451	0.7%	59,708
Water Purchases	7,341,775	1,059,761	-	6,282,014	14.4%	1,071,491
Debt Service	4,831,189	1,612,445	-	3,218,744	33.4%	1,581,581
Capital Outlay Transfers	11,284,416	1,880,736	-	9,403,680	16.7%	558,284
Equipment	147,400	21,599	(21,090)	146,891	0.3%	8,603
Capitalized Fixed Assets	180,974	7,919	21,393	151,663	16.2%	-
Other	55,000	-	-	55,000	0.0%	55
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	44,255,456	6,584,109	1,803,153	35,868,193	19.0%	5,728,906

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

WASTEWATER OPERATING FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Service Charges	14,926,192	2,545,685	-	12,380,507	17.1%	2,461,329
Fees	493,222	213,720	-	279,502	43.3%	222,252
Investment Income	267,300	37,857	-	229,443	14.2%	53,997
Public Works	10,000	7,895	-	2,105	79.0%	3,828
Miscellaneous	25,000	7,027	-	17,973	28.1%	4,682
Operating Transfers-In	674,096	112,349	-	561,747	16.7%	-
TOTAL REVENUES	16,395,810	2,924,533	-	13,471,277	17.8%	2,746,088
EXPENSES						
Salaries & Benefits	5,148,257	716,238	-	4,432,019	13.9%	903,559
Materials, Supplies & Services	5,788,398	707,975	1,903,724	3,176,699	45.1%	689,563
Special Projects	127,443	4,101	-	123,342	3.2%	121,482
Debt Service	1,352,213	-	-	1,352,213	0.0%	-
Capital Outlay Transfers	4,592,559	765,427	-	3,827,133	16.7%	1,049,250
Equipment	98,000	297	-	97,703	0.3%	566
Capitalized Fixed Assets	57,289	-	3,000	54,289	5.2%	20,935
Other	5,000	1,000	-	4,000	20.0%	1,000
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	17,319,159	2,195,038	1,906,724	13,217,397	23.7%	2,786,355

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)
DOWNTOWN PARKING

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Improvement Tax	840,000	211,796	-	628,204	25.2%	190,714
Parking Fees	5,662,166	1,063,174	-	4,598,992	18.8%	915,519
Investment Income	137,600	19,921	-	117,679	14.5%	28,858
Rents & Concessions	40,925	-	-	40,925	0.0%	-
Reimbursements	-	-	-	-	100.0%	4,598
Miscellaneous	1,500	(151)	-	1,651	-10.0%	79
Operating Transfers-In	353,858	58,976	-	294,882	16.7%	7,250
TOTAL REVENUES	7,036,049	1,353,716	-	5,682,333	19.2%	1,147,018
EXPENSES						
Salaries & Benefits	3,799,707	588,245	-	3,211,462	15.5%	690,471
Materials, Supplies & Services	1,835,558	237,738	225,553	1,372,267	25.2%	192,692
Special Projects	740,231	3,625	353,935	382,671	48.3%	7,250
Transfers-Out	297,121	49,520	-	247,601	16.7%	46,937
Capital Outlay Transfers	1,043,270	173,878	-	869,392	16.7%	110,000
Equipment	25,000	1,212	6,400	17,388	30.4%	-
TOTAL EXPENSES	7,740,887	1,054,218	585,888	6,100,780	21.2%	1,047,351

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)
AIRPORT OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Leases - Commercial / Industrial	4,171,000	720,503	-	3,450,497	17.3%	705,328
Leases - Terminal	5,183,033	802,645	-	4,380,388	15.5%	848,182
Leases - Non-Commerical Aviation	1,361,600	250,287	-	1,111,313	18.4%	215,483
Leases - Commerical Aviation	3,465,000	378,216	-	3,086,784	10.9%	378,888
Investment Income	214,300	31,447	-	182,853	14.7%	45,343
Miscellaneous	185,052	75,410	-	109,642	40.8%	31,660
Operating Transfers-In	300,166	50,028	-	250,138	16.7%	-
TOTAL REVENUES	<u>14,880,151</u>	<u>2,308,537</u>	<u>-</u>	<u>12,571,614</u>	<u>15.5%</u>	<u>2,224,884</u>
EXPENSES						
Salaries & Benefits	5,001,631	741,075	-	4,260,556	14.8%	881,458
Materials, Supplies & Services	6,438,600	930,397	406,513	5,101,690	20.8%	851,808
Special Projects	973,173	57,446	-	915,727	5.9%	54,088
Transfers-Out	44,212	7,369	-	36,843	16.7%	5,175
Debt Service	1,113,099	-	-	1,113,099	0.0%	-
Capital Outlay Transfers	1,347,188	224,531	-	1,122,657	16.7%	91,667
Equipment	129,276	1,051	8,904	119,320	7.7%	-
Appropriated Reserve	242,134	-	-	242,134	0.0%	-
TOTAL EXPENSES	<u>15,289,313</u>	<u>1,961,869</u>	<u>415,417</u>	<u>12,912,026</u>	<u>15.5%</u>	<u>1,884,196</u>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

GOLF COURSE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Fees & Card Sales	1,640,801	284,564	-	1,356,237	17.3%	327,272
Investment Income	9,900	1,706	-	8,194	17.2%	3,087
Rents & Concessions	302,322	58,179	-	244,143	19.2%	59,750
Miscellaneous	3,500	157	-	3,343	4.5%	2,553
Operating Transfers-In	103,623	17,271	-	86,353	16.7%	-
TOTAL REVENUES	<u>2,060,146</u>	<u>361,877</u>	<u>-</u>	<u>1,698,269</u>	<u>17.6%</u>	<u>392,661</u>
EXPENSES						
Salaries & Benefits	1,111,449	166,313	-	945,136	15.0%	205,424
Materials, Supplies & Services	547,478	69,276	105,692	372,510	32.0%	112,612
Special Projects	6,260	-	(1,200)	7,460	-19.2%	-
Debt Service	230,294	159,507	-	70,787	69.3%	157,025
Capital Outlay Transfers	92,036	15,339	-	76,697	16.7%	11,667
Equipment	27,500	-	-	27,500	0.0%	-
Other	1,014	333	-	681	32.9%	333
Appropriated Reserve	45,375	-	-	45,375	0.0%	-
TOTAL EXPENSES	<u>2,061,406</u>	<u>410,769</u>	<u>104,492</u>	<u>1,546,146</u>	<u>25.0%</u>	<u>487,061</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

INTRA-CITY SERVICE FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Service charges	99,584	16,597	-	82,987	16.7%	-
Work Orders - Bldg Maint.	3,035,446	578,748	-	2,456,698	19.1%	499,500
Service Charges	2,032,567	338,761	-	1,693,806	16.7%	288,761
Miscellaneous	-	1,870	-	(1,870)	100.0%	68
Operating Transfers-In	334,902	55,817	-	279,085	16.7%	-
TOTAL REVENUES	5,502,499	991,794	-	4,510,705	18.0%	788,329
EXPENSES						
Salaries & Benefits	3,107,626	458,981	-	2,648,645	14.8%	525,610
Materials, Supplies & Services	1,104,526	154,087	222,130	728,308	34.1%	130,422
Special Projects	1,602,757	186,891	301,763	1,114,102	30.5%	102,730
Equipment	15,000	-	-	15,000	0.0%	-
Capitalized Fixed Assets	153,303	94,673	(85,892)	144,522	5.7%	3,082
TOTAL EXPENSES	5,983,212	894,633	438,001	4,650,578	22.3%	761,844

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

FLEET REPLACEMENT FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Vehicle Rental Charges	1,805,982	300,199	-	1,505,783	16.6%	298,571
Investment Income	149,700	22,088	-	127,612	14.8%	31,552
Rents & Concessions	224,401	37,400	-	187,001	16.7%	38,724
Miscellaneous	50,000	-	-	50,000	0.0%	7,055
TOTAL REVENUES	2,230,083	359,687	-	1,870,396	16.1%	375,902
EXPENSES						
Salaries & Benefits	158,537	24,392	-	134,145	15.4%	28,887
Materials, Supplies & Services	2,452	184	-	2,268	7.5%	166
Special Projects	300,000	-	-	300,000	0.0%	-
Capitalized Fixed Assets	3,202,358	254,503	(252,657)	3,200,512	0.1%	195,625
TOTAL EXPENSES	3,663,347	279,079	(252,657)	3,636,925	0.7%	224,678

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

FLEET MAINTENANCE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Vehicle Maintenance Charges	2,371,918	395,320	-	1,976,598	16.7%	394,903
Miscellaneous	60,000	2,706	-	57,294	4.5%	7,520
Operating Transfers-In	98,805	16,468	-	82,338	16.7%	-
TOTAL REVENUES	<u>2,530,723</u>	<u>414,493</u>	<u>-</u>	<u>2,116,230</u>	<u>16.4%</u>	<u>402,423</u>
EXPENSES						
Salaries & Benefits	1,147,349	176,717	-	970,632	15.4%	216,277
Materials, Supplies & Services	1,226,422	147,385	276,414	802,623	34.6%	169,372
Special Projects	106,512	299	16,000	90,213	15.3%	6,471
Equipment	5,000	-	-	5,000	0.0%	-
TOTAL EXPENSES	<u>2,485,283</u>	<u>324,402</u>	<u>292,414</u>	<u>1,868,467</u>	<u>24.8%</u>	<u>392,121</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)
SELF INSURANCE TRUST FUND

	** Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Insurance Premiums	2,547,084	424,514	-	2,122,570	16.7%	430,625
Workers' Compensation Premiums	2,500,000	416,667	-	2,083,333	16.7%	440,597
OSH Charges	182,894	-	-	182,894	0.0%	-
Investment Income	161,700	22,978	-	138,722	14.2%	34,242
Miscellaneous	-	-	-	-	100.0%	40
TOTAL REVENUES	5,391,678	864,159	-	4,527,519	16.0%	905,504
EXPENSES						
Salaries & Benefits	500,761	70,176	-	430,585	14.0%	70,696
Materials, Supplies & Services	4,764,622	722,634	257,854	3,784,134	20.6%	1,017,379
Transfers-Out	3,694,328	615,658	-	3,078,670	16.7%	717,988
TOTAL EXPENSES	8,959,711	1,408,468	257,854	7,293,389	18.6%	1,806,062

*** The Self Insurance Trust Fund is an internal service fund of the City, which accounts for the cost of providing workers' compensation, property and liability insurance as well as unemployment insurance and certain self-insured employee benefits on a city-wide basis. Internal Service Funds charge other funds for the cost of providing their specific services.*

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

INFORMATION SYSTEMS ICS FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service charges	2,286,395	381,066	-	1,905,329	16.7%	381,931
Operating Transfers-In	19,740	3,290	-	16,450	16.7%	-
TOTAL REVENUES	<u>2,306,135</u>	<u>384,356</u>	<u>-</u>	<u>1,921,779</u>	<u>16.7%</u>	<u>381,931</u>
EXPENSES						
Salaries & Benefits	1,502,407	231,241	-	1,271,166	15.4%	277,238
Materials, Supplies & Services	548,424	127,456	51,441	369,526	32.6%	120,511
Special Projects	3,700	1,943	2,447	(690)	118.6%	624
Equipment	273,000	25,604	2,489	244,907	10.3%	2,203
Appropriated Reserve	11,432	-	-	11,432	0.0%	-
TOTAL EXPENSES	<u>2,338,963</u>	<u>386,245</u>	<u>56,377</u>	<u>1,896,341</u>	<u>18.9%</u>	<u>400,575</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

WATERFRONT FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Leases - Commercial	1,332,869	258,418	-	1,074,451	19.4%	243,716
Leases - Food Service	2,352,254	426,890	-	1,925,364	18.1%	424,222
Slip Rental Fees	3,998,521	657,902	-	3,340,619	16.5%	638,803
Visitors Fees	463,000	92,388	-	370,612	20.0%	105,101
Slip Transfer Fees	425,000	96,200	-	328,800	22.6%	101,275
Parking Revenue	1,911,450	540,791	-	1,370,659	28.3%	488,041
Wharf Parking	244,000	56,961	-	187,039	23.3%	51,941
Other Fees & Charges	380,911	60,571	-	320,340	15.9%	63,747
Investment Income	185,859	12,301	-	173,558	6.6%	22,745
Rents & Concessions	301,173	54,562	-	246,611	18.1%	55,707
Miscellaneous	155,000	15,584	-	139,416	10.1%	14,006
Operating Transfers-In	453,481	75,580	-	377,901	16.7%	-
TOTAL REVENUES	12,203,518	2,348,148	-	9,855,370	19.2%	2,209,303
EXPENSES						
Salaries & Benefits	5,461,051	920,624	-	4,540,427	16.9%	1,038,196
Materials, Supplies & Services	3,340,451	471,097	873,479	1,995,874	40.3%	468,611
Special Projects	149,210	12,837	-	136,373	8.6%	12,481
Debt Service	1,776,789	123,503	-	1,653,286	7.0%	-
Capital Outlay Transfers	934,483	155,747	-	778,736	16.7%	161,560
Equipment	117,500	11,838	-	105,662	10.1%	8,723
Appropriated Reserve	100,000	-	-	100,000	0.0%	-
TOTAL EXPENSES	11,879,484	1,695,646	873,479	9,310,358	21.6%	1,689,570

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2011

TO: Mayor and Councilmembers

FROM: Information Systems, Administrative Services

SUBJECT: Approval To Donate Outdated And/Or Inoperable Computer Workstations To The Santa Barbara County Education Office Computers For Families Program

RECOMMENDATION:

That Council authorize the General Services Manager to donate outdated and/or non-operating computer workstations to the Santa Barbara County Education Office for the Computers for Families Program, as appropriate, through October 31, 2016.

DISCUSSION:

Each year, approximately 15-20% of the over 960 City computer workstations are determined to be either not cost effective to repair or, while operable, not able to support required applications. In past years, these workstations were donated to the Santa Barbara County Education Office for the Computers for Families Program. This request authorizes the continuation of this practice for another five years.

The Computers for Families program engages the youth at Los Prietos Boys Camp under a training program to repair and rebuild the workstations. These units do not have an economic resale value, but local families and groups who could not otherwise afford a computer can use and benefit from them. The workstations are offered to all public school students in the 4th through 6th grades with discounted Internet access to promote computer technology skills and knowledge.

Computers for Families has agreed to provide units as requested for City programs such as Teen Centers, At Risk Youth Programs, or other City sponsored programs that benefit groups in need.

SUSTAINABILITY IMPACT:

This authorization promotes the reuse of computer hardware and equipment, potentially preventing or delaying the manufacture and acquisition of new equipment and reducing manufacturing and electronic waste.

PREPARED BY: Tom Doolittle, Information Systems Manager

SUBMITTED BY: Marcelo A. López, Assistant City Administrator

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2011

TO: Mayor and Councilmembers

FROM: Risk Management Division, Finance Department

SUBJECT: Self Insured Workers' Compensation Program Annual Report

RECOMMENDATION:

That Council receive the Self Insured Workers' Compensation Program Annual Report for the year ended June 30, 2011.

DISCUSSION:

California Labor Code Section 3702.6(b) requires staff to advise Council annually about two items relating to the City's self-insured workers' compensation program: (1) the value of the total accrued claim liabilities reported by the City on the State's Self Insurers Annual Report; and (2) whether current accounting and financial reporting of those liabilities is in compliance with the requirements of Government Accounting Standards Board (GASB) Statement 10.

The California Department of Industrial Relations requires all self-insured public agencies to submit an annual report before October 1st that identifies the workers' compensation liabilities as of the prior fiscal year-end. Risk Management staff submitted the Fiscal Year 2010 annual report on September 15, 2010. The City's report listed 158 open indemnity claims with total liabilities of \$3,865,739, consisting of \$1,088,704 for indemnity (disability payments) and \$2,720,835 for medical payments.

The City accounts for its risk management operations in a separate Internal Service Fund. Every two years, the City contracts with a risk management actuarial firm to prepare an actuarial valuation of the accrued liabilities in the City's self-insured workers' compensation program. The City uses the results of this actuarial valuation as well as claims information from our third party administrator (claims adjuster) to report the workers' compensation accrued liabilities in both the City's annual audit report (the "Comprehensive Annual Financial Report" or "CAFR") and the State's required annual report. The City is fully funded for all of its actuarially determined workers' compensation claim liabilities.

GASB Statement 10 established accounting and financial reporting standards for all City claims, including workers' compensation claims. GASB Statement 10 requires governments to recognize a claim as an expense and liability if both of the following conditions are met:

1. Information available indicates that it is probable that a liability has been incurred; and,
2. The amount of the loss can be reasonably estimated.

In addition, it requires certain disclosures in the footnotes to the financial statements. All of the City's workers' compensation claims have been accounted for and reported in accordance with GASB Statement 10.

In summary, the City has met its obligation to file the State's annually required report for public agencies that self-insure for workers' compensation. With this report, the City has also met the State law requirement to report the program liabilities to the City Council. A more complete description of the City's self-insured workers' compensation program can be found in the City's CAFR for the fiscal year ended June 30, 2011.

PREPARED BY: Mark W. Howard, Risk Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2011

TO: Mayor and Councilmembers

FROM: Housing and Redevelopment Division, Community Development Department

SUBJECT: Introduction Of Ordinance For A Lease Agreement With Greyhound Lines, Inc.

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Lease with Two Five-Year Options with Greyhound Lines, Inc., to Lease the City Owned Building at 224 Chapala Street for a Passenger Bus Service Facility, Effective November 17, 2011.

DISCUSSION:

The Greyhound passenger bus service operation at the 34 W. Carrillo Street (corner of Chapala Street) has been operating in that location since approximately 1940 providing a necessary and vital transportation service to the community. Greyhound, which has been leasing its current site, is now seeking a new, suitable location in downtown Santa Barbara to operate. The City building at 224 Chapala Street, formerly owned by the Redevelopment Agency and leased to a bicycle shop, and adjacent to the Amtrak ticket office, is presently vacant and would be an appropriate site for Greyhound's relocation. The property can easily accommodate bus traffic and would contribute to the formation of a multi-modal transportation hub. The Agency Board, then owner of the property, considered this during closed session on May 4, 2010 and directed staff to undertake lease negotiations with Greyhound.

Operations

Greyhound currently operates out of an approximately 2,000 square foot space, overseen by up to three staff with daily hours ranging from 8:00 a.m. to 8:15 p.m., with some short closures interspersed. Ten buses are scheduled daily with approximately 4,000 passengers transported to and from Santa Barbara each month.

Greyhound would move its operation to 224 Chapala Street and continue to operate in the same fashion as it presently does after making tenant improvements. Bus service is not expected to expand or reduce as a result of the move. Leasing of the entire building by Greyhound was considered, but after months of space planning and analysis, Greyhound now proposes to lease half of the building (1,437 square feet). Buses would exit the freeway at Garden Street, access the site from the E. Montecito Street entrance, and exit at State Street, traveling along Yanonali Street to the Garden Street and Highway 101 interchange. This bus circulation plan is consistent with the Planning Commission's direction. Loading and unloading of passengers would take place only within the depot lot immediately across from the proposed lease space. Bus staging, if needed, would take place on West Montecito Street and would be shared with Amtrak (see attachment). The remainder of the building would likely be part of a future RFP process to assess level of interest from the public.

Lease

The basic terms of the proposed lease are as follows:

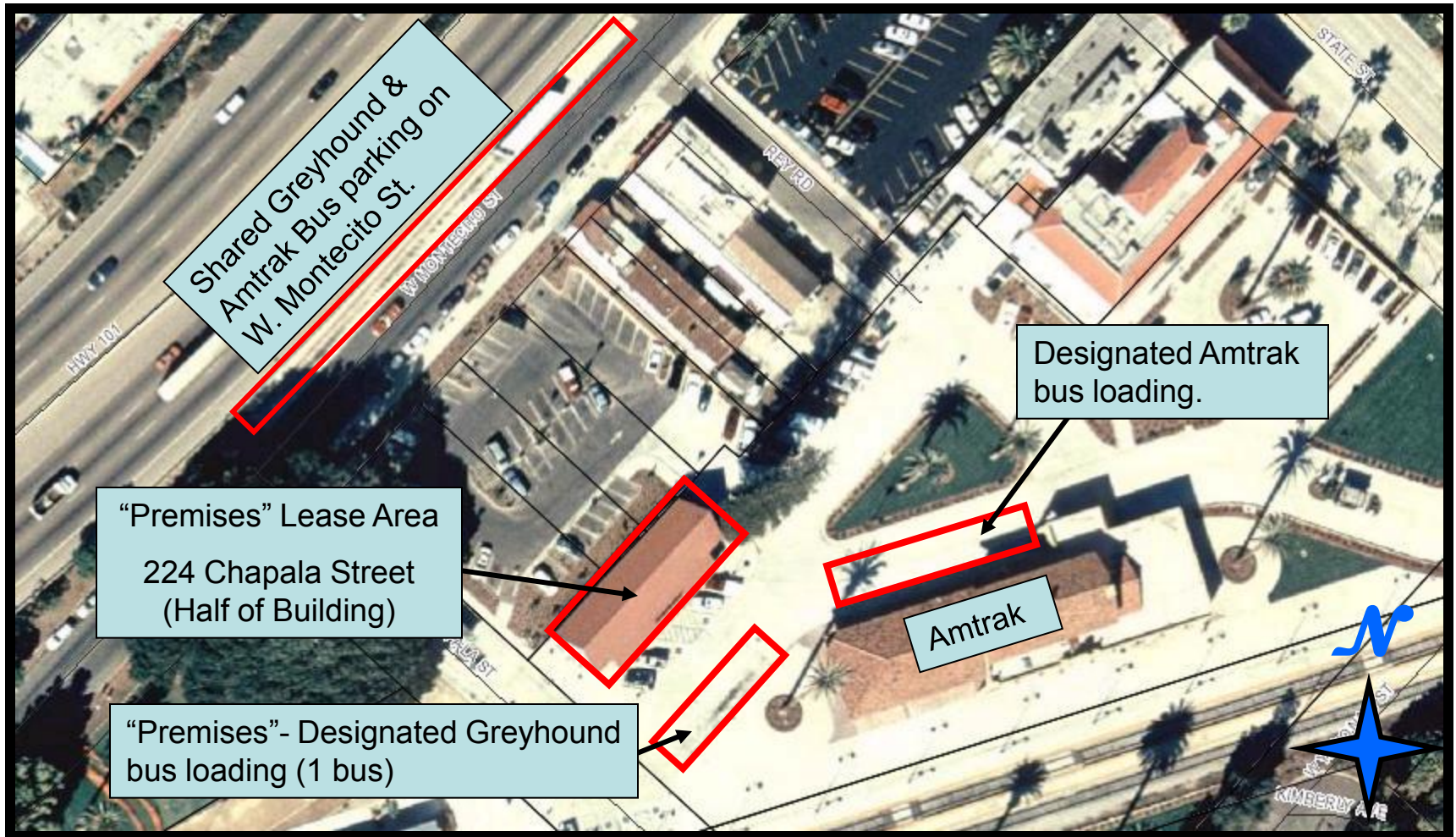
- **Term:** Ten years with two five-year options to extend
- **Rent:** \$4,000 per month, with a 12% increase every five years.
- **Permitted uses:** Tenant shall use the premises primarily for passenger bus service.

ATTACHMENT: Site Plan

PREPARED BY: Brian Bosse, Housing and Redevelopment Manager\MEA

APPROVED BY: City Administrator's Office

“Premises” Lease Area – 224 Chapala Street
Lease between City of Santa Barbara Redevelopment Agency
and
Greyhound Lines, Inc.



ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A TEN-YEAR LEASE WITH TWO FIVE-YEAR OPTIONS WITH GREYHOUND LINES, INC., TO LEASE THE CITY OWNED BUILDING AT 224 CHAPALA STREET FOR A PASSENGER BUS SERVICE FACILITY, EFFECTIVE NOVEMBER 17, 2011

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, An Ordinance of the Council of the City of Santa Barbara approving a ten-year lease with two five-year options with Greyhound Lines, Inc., to lease the City owned building at 224 Chapala Street for a passenger bus service facility, effective November 17, 2011, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2011

TO: Mayor and Councilmembers

FROM: Administrative Division, Parks and Recreation Department

SUBJECT: Second Supplemental Agreement To Santa Barbara City College Joint Use Agreement Regarding Joint Use Of Vehicles

RECOMMENDATION: That Council authorize the Parks and Recreation Director to execute a second Supplemental Agreement to Agreement No. 12,427, Joint Use Agreement with Santa Barbara City College (SBCC), for the shared use of vehicles.

DISCUSSION:

The City and SBCC have a long history of joint use agreements. In 1998, the City and SBCC entered into their first supplemental agreement for the shared use of vehicles in order to ensure the most efficient and economical use of vehicles and promote the objectives of the City and SBCC.

The renewal of this supplemental agreement supports programming by continuing the sharing of vehicle resources including the Parks and Recreation Department bus and SBCC and Parks and Recreation vans. The term of this agreement is two years, commencing upon City Council approval of this agreement.

The first agreement for shared vehicle use did not have either party paying for vehicle use. Because of the increasing costs for vehicle repair, maintenance, and replacement, City and SBCC staff are proposing that, as part of the new agreement, each will pay a per use fee to utilize the other party's vehicles. To reflect the spirit of cooperation embodied by the Joint Use Agreement, SBCC fees for City use of their vehicles will be their internal rates charged to college departments, and City fees will be equal to fee amounts charged to Parks and Recreation co-sponsors and partner agencies. These rates are much lower than commercial rates.

Since 1998, City use of SBCC vehicles has been primarily to supplement passenger vans used for summer youth camps. Primary SBCC use of City vehicles has been Parks and Recreation vans and the bus to transport athletic teams, with occasional Geology field trips. Typically, SBCC use of City vehicles has been much greater than City use of SBCC vehicles.

The SBCC Board of Trustees approved the second Supplemental Agreement to Agreement No. 12,427, Joint Use Agreement with SBCC, at their meeting of September 22, 2011.

BUDGET/FINANCIAL INFORMATION:

Expenditure impact to the Parks and Recreation budget is anticipated to be \$1,500. Expenditures will be offset by revenue received from SBCC for use of the City vehicles, which is expected to be greater than \$1,500 based on historical use patterns. Although not currently budgeted in the Fiscal Year 2012 Parks and Recreation budget, revenue should cover expense and will help offset maintenance, repair, and cleaning costs of City vehicles.

PREPARED BY: Judith Cook McCaffrey, Recreation Programs Manager

SUBMITTED BY: Nancy L. Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2011

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Agreement For Surface Water And Groundwater Monitoring

RECOMMENDATION:

That Council authorize the Public Works Director to execute a joint funding agreement with the United States Geological Survey for water resources investigations related to surface water and groundwater measurements, for the period of November 1, 2011, through October 31, 2012, with a City cost share not to exceed \$111,150.

DISCUSSION:

The City and United States Geological Survey (USGS) have worked cooperatively on water resources monitoring and investigations for over 25 years, including on an annual program of measuring surface water flows and monitoring groundwater levels and water quality. As in the past, the proposed Fiscal Year 2012 program has two elements:

- **Surface Water Gauging Stations:** USGS will continue to operate, maintain, and publish stream flow records for four gauging and data collection stations on the Santa Ynez River, and one on Mission Creek. These stations provide real-time data and daily averages. The information is used to implement the Upper Santa Ynez River Operations Agreement, for general documentation and monitoring of operations at Gibraltar Reservoir, and for tracking recharge releases into Mission Creek.
- **Groundwater Monitoring:** City staff will continue to take monthly water level measurements at 71 monitoring well locations. USGS will maintain the database of water level data and continue a program of collecting and maintaining data on groundwater quality. The water level and water quality information is used in water supply forecasting and computer modeling of the City's groundwater supplies, including the potential impact from seawater intrusion into the downtown groundwater basin.

The data that is collected and maintained is an important part of managing the City's water supply.

BUDGET/FINANCIAL INFORMATION:

The overall program cost is \$174,750, to be shared by the City (\$111,150) and USGS (\$63,600). Funds for this program are appropriated in the Fiscal Year 2012 Water Fund Operating Budget.

PREPARED BY: Rebecca Bjork, Water Resources Manager BF/TL/mh

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Preliminary Design Services For The El Estero Wastewater Treatment Plant Aeration System Improvements

RECOMMENDATION:

That Council authorize the Public Works Director to execute a Professional Services contract with Brown and Caldwell in the amount of \$362,624 for Preliminary Design Services for the El Estero Wastewater Treatment Plant Aeration System Improvements Project, and authorize the Public Works Director to approve expenditures of up to \$36,262 for extra services of Brown and Caldwell that may result from necessary changes in the scope of work.

DISCUSSION:

BACKGROUND

The City's El Estero Wastewater Treatment Plant (El Estero) was originally constructed in 1952, with a majority of the current infrastructure constructed in 1978 to meet 1972 Clean Water Act requirements. To treat wastewater, El Estero uses a combination of physical, chemical, and biological processes. One important area of biological treatment is the activated sludge process which takes place in six large tanks called aeration basins. The aeration basins are the workhorse of the secondary treatment portion of the treatment plant.

On June 29, 2010, Council awarded a contract to Brown and Caldwell (B&C) to prepare an Assessment Report to evaluate and develop recommendations to improve the secondary treatment process. B&C concluded this work effort in September 2011.

B&C, working with staff, evaluated several operational alternative approaches to improving the secondary treatment process at El Estero. This review resulted in B&C and staff's current recommendation to pursue the Aeration System Improvement Project. The El Estero Wastewater Treatment Plant Aeration System Improvements Project (Project) will change El Estero's existing secondary treatment operating strategy from a non-nitrifying system to a nitrification/denitrification system involving a step-feed

biological nutrient removal strategy. This operational change should improve and stabilize the secondary effluent quality and reduce the use of potable water. In addition, the existing aeration system will be upgraded to address existing energy inefficiencies, and to increase operational flexibility by allowing airflow within the secondary aeration basins to be better distributed and balanced.

PROJECT DESCRIPTION

Given the size and complexity of the proposed project, a Preliminary Design Report (PDR) is needed to thoroughly evaluate and define the recommended improvements. The PDR will also develop process design criteria to assure there is clear project direction for final design. The previously completed B&C Assessment Report, along with the PDR, will be used as the basis for final design work. A competitive Request for Proposal process will be used to select an engineering design firm for final design services once the PDR has been completed.

DESIGN PHASE CONSULTANT ENGINEERING SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with B&C in the amount of \$398,886 to prepare a PDR for the Project. B&C was selected through a competitive process for the Assessment Report work effort and is on the City's Pre-qualified Engineering Services List.

FUNDING

The following table summarizes the estimated total project costs:

ESTIMATED TOTAL PROJECT COST

Assessment Report (by Contract)	\$284,621
Project Administration (by Staff)	\$38,000
Subtotal	\$322,621
Preliminary Design (by Contract)	\$398,886
Project Administration (by Staff)	\$49,815
Subtotal	\$448,701
Estimated Cost for Final Design and Construction	\$13,500,000
Subtotal	\$13,500,000
TOTAL PROJECT COST	\$14,271,322

There are sufficient funds in the Wastewater Capital Fund to cover this Professional Services contract work.

SUSTAINABILITY IMPACT:

Nitrification/Denitrification will improve water quality for both recycled water production and treated effluent discharge into the ocean.

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/LA/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Special Meeting
June 28, 2011
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Helene Schneider called the joint meeting of the Agency and the City Council to order at 2:00 p.m.

ROLL CALL

Agency members present: Dale Francisco, Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Bendy White, Chair Schneider.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Housing and Redevelopment Manager Brian Bosse, City Clerk Services Manager Cynthia M. Rodriguez.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item Nos. 1 and 2)

The title of the resolution related to the Consent Calendar was read.

Motion:

Agency/Council members White/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Redevelopment Agency Fiscal Year 2011 Interim Financial Statements For The Eleven Months Ended May 31, 2011 (22)

Recommendation: That Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2011 Interim Financial Statements for the Eleven Months Ended May 31, 2011.

Action: Approved the recommendation (June 28, 2011, report from the Fiscal Officer).

2. Subject: Cabrillo Pavilion East Beach Bathhouse Business Plan Contract (620.03/23)

Recommendation: That Council:

- A. In accordance with the Cabrillo Pavilion Cooperation Agreement dated June 21, 2011, and on behalf of the Redevelopment Agency, authorize the Parks and Recreation Director to execute a Professional Design Services Agreement, with GreenPlay, LLC in an amount not to exceed \$45,700, for the development of a business plan to support the renovation of the Cabrillo Bathhouse, and authorize the Director to approve expenditures of up to \$4,570 to cover any cost increases that may result from necessary changes in the scope of work; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for the Funding of Capital Improvements to the Cabrillo Bathhouse.

Action: Approved the recommendations; City Council Agreement No. 23,827; City Council Resolution No. 11-057 (June 28, 2011, report from the Deputy Director/Assistant City Administrator/Community Development Director; proposed resolution).

REDEVELOPMENT AGENCY REPORTS

3. Subject: Adoption Of Resolutions To Approve The Housing Project Cooperation Agreements And Promissory Notes Between The Redevelopment Agency And The City Of Santa Barbara For The Completion Of All Redevelopment Agency Affordable Housing Projects and Programs (620.03/26)

Recommendation:

- A. That the Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Approving the Peoples' Self Help Housing Project Cooperation Agreement and Promissory Note, Dated June 28, 2011, with the City of Santa Barbara And Transferring \$2.2 Million in Housing Setaside Funds to the City to Facilitate an Affordable Housing Project by Peoples' Self Help Housing Corporation And Approving the Housing Setaside Fund Cooperation Agreement, dated June 28, 2011, with the City of Santa Barbara and Transferring All of the Agency's Right, Title and Interest to the Existing Agency Loan Accounts and to the Future Housing Setaside Fund Tax Increment, and Authorizing the Executive Director, Subject to Approval of Agency Counsel, to Execute Said Agreements; and

(Cont'd)

3. (Cont'd)

- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Peoples' Self Help Housing Project Cooperation Agreement and Promissory Note, Dated June 28, 2011 with the Redevelopment Agency of the City of Santa Barbara and Accepting \$2.2 Million in Housing Setaside Funds to Facilitate an Affordable Housing Project by People's' Self Help Housing Corporation and Approving the Housing Setaside Fund Cooperation Agreement, Dated June 28, 2011, with the Redevelopment Agency and Accepting All of the Agency's Right, Title and Interest to the Existing Agency Loans Accounts and to the Future Housing Setaside Fund Tax Increment Revenues, and Authorizing the City Administrator, Subject to Approval of the City Attorney, to Execute Said Agreements.

Documents:

- June 28, 2011, report from Deputy Director/Assistant City Administrator/Community Development Director.
- Proposed Resolutions.

The titles of the resolutions were read.

Speakers:

Staff: Housing and Redevelopment Manager Brian Bosse.

Motion:

Agency/Council members House/Rowse to approve the recommendations; Redevelopment Agency Resolution No. 1028; Redevelopment Agency Agreement Nos. 541 and 542; City Council Resolution No. 11-058; City Council Agreement Nos. 23,828 and 23,829.

Vote:

Unanimous roll call vote.

ADJOURNMENT

Chair Schneider adjourned the meeting at 8:28 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
CHAIR

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Special Meeting
August 23, 2011
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Vice-Chair Bendy White called the joint meeting of the Agency and the City Council to order at 2:00 p.m.

ROLL CALL

Agency members present: Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Vice-Chair White.

Agency members absent: Dale Francisco, Chair Helene Schneider.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item Nos. 1 and 2)

The title of the resolution related to Item No. 2 was read.

Motion:

Agency members House/Hotchkiss to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Agency member Francisco, Chair Schneider).

1. Subject: Minutes (13)

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the regular meeting of June 7, the special meeting of June 9, and the regular meeting of June 21, 2011.

Action: Approved the recommendation (August 23, 2011, report from the Finance Director).

2. Subject: Redevelopment Agency's Enforceable Obligation Payment Schedule (14)

Recommendation: That the Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Adopting an Enforceable Obligation Payment Schedule and Authorizing the Filing of the Schedule, Subject to the Restrictions Provided Herein, with the State Department of Finance, the State Controller's Office, and the Auditor-Controller of the County of Santa Barbara.

Action: Approved the recommendation; Resolution No. 1029 (August 23, 2011, report from the Deputy Director; proposed resolution).

ADJOURNMENT

Vice-Chair White adjourned the meeting at 6:52 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

BENDY WHITE
VICE-CHAIR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

REDEVELOPMENT AGENCY BOARD AGENDA REPORT

AGENDA DATE: October 11, 2011

TO: Redevelopment Agency Board

FROM: Accounting Division, Finance Department

SUBJECT: Redevelopment Agency Fiscal Year 2012 Interim Financial Statements For The Two Months Ended August 31, 2011

RECOMMENDATION:

That the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2012 Interim Financial Statements for the Two Months Ended August 31, 2011.

DISCUSSION:

The interim financial statements for the two months ended August 31, 2011 (16.7% of the fiscal year) are attached. The interim financial statements include budgetary activity in comparison to actual activity for the Redevelopment Agency's General, Housing, and Capital Projects Funds.

ATTACHMENT: Redevelopment Agency Interim Financial Statements for the Two Months Ended August 31, 2011

PREPARED BY: Ruby Carrillo, Accounting Manager

SUBMITTED BY: Robert Samario, Fiscal Officer

APPROVED BY: City Administrator's Office

REDEVELOPMENT AGENCY
OF THE
CITY OF SANTA BARBARA

INTERIM FINANCIAL STATEMENTS
FISCAL YEAR 2012
FOR THE TWO MONTHS
ENDED AUGUST 31, 2011

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA

General Fund

**Interim Statement of Revenues, Expenditures and Encumbrances
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)**

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Incremental Property Taxes	\$ 16,203,700	\$ -	\$ -	\$ 16,203,700	0.00%
Investment Income	200,000	52,380	-	147,620	26.19%
Overnight Accommodation Mitigation Fee	1,500	-	-	1,500	0.00%
Rents	72,000	-	-	72,000	0.00%
Total Revenues	<u>16,477,200</u>	<u>52,380</u>	<u>-</u>	<u>16,424,820</u>	<u>0.32%</u>
Use of Fund Balance	1,419,737	236,634	-	-	16.67%
Total Sources	<u>\$ 17,896,937</u>	<u>\$ 289,014</u>	<u>\$ -</u>	<u>\$ 16,424,820</u>	<u>1.61%</u>
Expenditures:					
Material, Supplies & Services:					
Office Supplies & Expense	\$ 2,000	\$ 104	\$ -	\$ 1,896	5.20%
Mapping, Drafting & Presentation	250	-	-	250	0.00%
Janitorial & Hshld Supplies	100	-	-	100	0.00%
Minor Tools	100	-	-	100	0.00%
Special Supplies & Expenses	4,000	757	-	3,243	18.93%
Building Materials	100	-	-	100	0.00%
Equipment Repair	1,000	-	1,109	(109)	110.90%
Professional Services - Contract	784,794	92,975	-	691,819	11.85%
Legal Services	162,250	30,105	-	132,145	18.55%
Engineering Services	20,000	1,411	-	18,589	7.06%
Non-Contractual Services	12,000	180	-	11,820	1.50%
Meeting & Travel	7,500	516	-	6,984	6.88%
Mileage Reimbursement	300	-	-	300	0.00%
Dues, Memberships, & Licenses	16,000	-	-	16,000	0.00%
Publications	1,000	-	-	1,000	0.00%
Training	7,500	-	-	7,500	0.00%
Advertising	1,000	-	-	1,000	0.00%
Printing and Binding	1,000	102	-	898	10.20%
Postage/Delivery	1,000	343	-	657	34.30%
Vehicle Fuel	1,300	92	-	1,208	7.08%
Total Supplies & Services	<u>1,023,194</u>	<u>126,585</u>	<u>1,109</u>	<u>895,500</u>	<u>12.48%</u>
Allocated Costs:					
Desktop Maint Replacement	20,435	3,406	-	17,029	16.67%
GIS Allocations	4,754	792	-	3,962	16.66%
Building Maintenance	1,650	275	-	1,375	16.67%
Planned Maintenance Program	3,984	664	-	3,320	16.67%
Vehicle Replacement	721	120	-	601	16.64%
Vehicle Maintenance	241	40	-	201	16.60%
Telephone	2,061	344	-	1,717	16.69%
Custodial	3,443	574	-	2,869	16.67%
Communications	2,878	480	-	2,398	16.68%
Property Insurance	5,095	849	-	4,246	16.66%
Allocated Facilities Rent	6,313	1,052	-	5,261	16.66%
Overhead Allocation	579,719	96,620	-	483,099	16.67%
Total Allocated Costs	<u>631,294</u>	<u>105,216</u>	<u>-</u>	<u>526,078</u>	<u>16.67%</u>
Special Projects	1,426,021	126,949	26,215	1,272,857	10.74%
Transfers	13,691,942	2,179,579	-	11,512,363	15.92%
Grants	1,036,986	-	28,011	1,008,975	2.70%
Equipment	6,000	211	-	5,789	3.52%
Fiscal Agent Charges	11,500	2,284	-	9,216	19.86%
Appropriated Reserve	70,000	-	-	70,000	0.00%
Total Expenditures	<u>\$ 17,896,937</u>	<u>\$ 2,540,824</u>	<u>\$ 55,335</u>	<u>\$ 15,300,778</u>	<u>14.51%</u>

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
Housing Fund
Interim Statement of Revenues, Expenditures and Encumbrances
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:					
Incremental Property Taxes	\$ 4,050,900	\$ -	\$ -	\$ 4,050,900	0.00%
Investment Income	60,000	23,968	-	36,032	39.95%
Interest Loans	200,000	94,396	-	105,604	47.20%
Miscellaneous	<u>2,000</u>	<u>-</u>	<u>-</u>	<u>2,000</u>	0.00%
Total Revenues	<u>4,312,900</u>	<u>118,364</u>	<u>-</u>	<u>4,194,536</u>	2.74%
Use of Fund Balance	<u>6,704,367</u>	<u>1,117,395</u>	<u>-</u>	<u>-</u>	16.67%
Total Sources	<u><u>\$ 11,017,267</u></u>	<u><u>\$ 1,235,759</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 4,194,536</u></u>	11.22%
Expenditures:					
Material, Supplies & Services:					
Office Supplies & Expense	\$ 1,800	\$ 80	\$ -	\$ 1,720	4.44%
Special Supplies & Expenses	1,000	50	-	950	5.00%
Equipment Repair	500	-	1,109	(609)	221.80%
Professional Services - Contract	713,018	104,744	-	608,274	14.69%
Non-Contractual Services	2,000	248	-	1,752	12.40%
Meeting & Travel	1,000	1,841	-	(841)	184.10%
Dues, Memberships, & Licenses	1,500	50	-	1,450	3.33%
Training	2,000	-	-	2,000	0.00%
Printing and Binding	-	102	-	(102)	100.00%
Postage/Delivery	<u>600</u>	<u>173</u>	<u>-</u>	<u>427</u>	28.83%
Total Supplies & Services	<u>723,418</u>	<u>107,288</u>	<u>1,109</u>	<u>615,021</u>	14.98%
Allocated Costs:					
Desktop Maintenance Replacement	6,780	1,130	-	5,650	16.67%
GIS Allocations	3,170	528	-	2,642	16.66%
Building Maintenance	1,650	275	-	1,375	16.67%
Planned Maintenance Program	4,058	676	-	3,382	16.66%
Vehicle Replacement	482	80	-	402	16.60%
Vehicle Maintenance	96	16	-	80	16.67%
Telephone	1,030	172	-	858	16.70%
Custodial	3,507	585	-	2,922	16.68%
Communications	1,151	192	-	959	16.68%
Allocated Facilities Rent	6,432	1,072	-	5,360	16.67%
Overhead Allocation	<u>111,359</u>	<u>18,560</u>	<u>-</u>	<u>92,799</u>	16.67%
Total Allocated Costs	<u>139,715</u>	<u>23,286</u>	<u>-</u>	<u>116,429</u>	16.67%
Transfers	5,330	888	-	4,442	16.66%
Equipment	2,500	-	-	2,500	0.00%
Housing Activity	9,432,239	2,000,000	-	7,432,239	21.20%
Principal	490,000	490,000	-	-	100.00%
Interest	142,765	75,058	-	67,707	52.57%
Fiscal Agent Charges	1,300	1,265	-	35	97.31%
Appropriated Reserve	<u>80,000</u>	<u>-</u>	<u>-</u>	<u>80,000</u>	0.00%
Total Expenditures	<u><u>\$ 11,017,267</u></u>	<u><u>\$ 2,697,785</u></u>	<u><u>\$ 1,109</u></u>	<u><u>\$ 8,318,373</u></u>	24.50%

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
Capital Projects Fund
Interim Statement of Revenues, Expenditures and Encumbrances
For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

		<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:						
	Transfers-In	\$ 6,133,868	\$ 1,022,311	\$ -	\$ 5,111,557	16.67%
	Total Revenues	<u>6,133,868</u>	<u>1,022,311</u>	<u>-</u>	<u>5,111,557</u>	<u>16.67%</u>
	Use of Fund Balance	<u>10,847,278</u>	<u>1,807,893</u>	<u>-</u>	<u>9,039,385</u>	<u>16.67%</u>
	Total Sources	<u>\$ 16,981,146</u>	<u>\$ 2,830,204</u>	<u>\$ -</u>	<u>\$ 14,150,942</u>	<u>16.67%</u>
Expenditures:						
	Capital Outlay:					
	Finished					
7815	Phase II - E Cabrillo Sidewalks	\$ 65,089	\$ 13,801	\$ 51,288	\$ -	100.00%
7995	Fire Station #1 EOC	1,721	-	-	1,721	0.00%
7999	Fire Station #1 Remodel	7,179	-	7,179	-	100.00%
8982	Soil Remediation - 125 State St	262,932	263	2,380	260,289	1.01%
	Construction Phase					
7816	Chase Palm Park Light/Electric	536,489	30,447	208,637	297,405	44.56%
7838	Chase Palm Park Playground Replcmt	200,000	-	-	200,000	0.00%
8992	DP Structure (9,10) Const. Imprvmt	1,258,440	2,645	902,331	353,464	71.91%
	Design Phase					
7817	Plaza Del Mar Restroom Renovation	204,046	-	-	204,046	0.00%
7818	Pershing Park Restroom Renovation	115,041	5	-	115,036	0.00%
8488	Parking Lot Capital Improvements	179,890	-	36,130	143,760	20.08%
8989	Library Plaza Renovation	68,478	24,802	43,676	-	100.00%
8993	Lower West Downtown Street Lighting	726,512	9,158	288,896	428,458	41.03%
	Planning Phase					
7828	Panhandling Edu. & Alt. Giving	16,429	-	16,429	-	100.00%
7831	PD Locker Room Upgrade	6,989,173	47,746	34,638	6,906,789	1.18%
7832	PD Annex Lease Cost	152,580	51,438	-	101,142	33.71%
7992	925 De La Vina Rental Costs	81,432	59,489	-	21,943	73.05%
8952	RDA Project Contingency Account	5,821,247	-	-	5,821,247	0.00%
8994	Cabrillo Pav Arts Ctr Assessment St	248,898	-	-	248,898	0.00%
8995	State St Pedestrian Amenities Pilot	45,570	-	2,060	43,510	4.52%
	Total Expenditures	<u>\$ 16,981,146</u>	<u>\$ 239,794</u>	<u>\$ 1,593,644</u>	<u>\$ 15,147,708</u>	<u>10.80%</u>

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA

RDA Bonds - Series 2001A

Interim Statement of Revenues, Expenditures and Encumbrances

For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

	Annual Budget	Year-to-date Actual	Encum- brances	Remaining Balance	Percent of Budget
Revenues:					
Investment Income	\$ -	\$ 40	\$ -	\$ (40)	100.00%
Transfers-In	-	703,093	-	(703,093)	100.00%
Total Revenues	-	703,133	-	(703,133)	100.00%
Use of Fund Balance	1,969,528	328,257	-	1,641,271	16.67%
Total Sources	<u>\$ 1,969,528</u>	<u>\$ 1,031,390</u>	<u>\$ -</u>	<u>\$ 938,138</u>	52.37%
Expenditures:					
Capital Outlay:					
Finished					
8985 Brinkerhoff Lighting	\$ 4,827	\$ 727	\$ 4,100	\$ -	100.00%
Design Phase					
7662 Mission Creek Flood Control @ Depot	1,964,701	-	-	1,964,701	0.00%
Total Expenditures	<u>\$ 1,969,528</u>	<u>\$ 727</u>	<u>\$ 4,100</u>	<u>\$ 1,964,701</u>	0.25%

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA

RDA Bonds - Series 2003A

Interim Statement of Revenues, Expenditures and Encumbrances

For the Two Months Ended August 31, 2011 (16.7% of Fiscal Year)

		<u>Annual Budget</u>	<u>Year-to-date Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
Revenues:						
	Investment Income	\$ -	\$ 199	\$ -	\$ (199)	100.00%
	Transfers-In	-	447,040	-	(447,040)	100.00%
	Total Revenues	-	447,239	-	(447,239)	100.00%
	Use of Fund Balance	11,183,593	1,863,946	-	9,319,647	16.67%
	Total Sources	<u>\$ 11,183,593</u>	<u>\$ 2,311,185</u>	<u>\$ -</u>	<u>\$ 8,872,408</u>	20.67%
Expenditures:						
	Capital Outlay:					
	Finished					
8958	West Beach Pedestrian Improvements	\$ 180,894	\$ 6,023	\$ 98,588	\$ 76,283	57.83%
9071	West Downtown Improvement	288,258	-	-	288,258	0.00%
	Construction Phase					
7665	Helena Parking Lot Development	360,892	15,977	297,443	47,472	86.85%
8984	Fire Department Administration	2,787,872	259,569	1,748,232	780,071	72.02%
8988	DP Structure #2, 9, 10 Improvements	22,719	-	14,259	8,460	62.76%
9091	Carrillo Rec Ctr Restoration	1,562,007	44,625	193,505	1,323,877	15.25%
	Design Phase					
8961	Plaza De La Guerra Infrastructure	2,158,039	20,795	63,376	2,073,868	3.90%
8986	Chase Palm Park Restroom Renovation	185,687	-	-	185,687	0.00%
8989	Library Plaza Renovation	97,243	1,765	83,223	12,255	87.40%
9007	Artist Workspace	524,692	-	-	524,692	0.00%
	Planning Phase					
7662	Mission Creek Flood Control @ Depot	535,299	-	-	535,299	0.00%
7911	Mission Creek Flood Control - Park Development	730,143	2,000	-	728,143	0.27%
8987	Downtown Sidewalks	79,848	120	-	79,728	0.15%
71101	Chase Palm Park Wisteria Arbor	835,000	-	-	835,000	0.00%
	On-Hold Status					
8962	Visitor Center Condo Purchase	500,000	-	-	500,000	0.00%
8964	Lower State Street Sidewalks	335,000	-	-	335,000	0.00%
	Total Expenditures	<u>\$ 11,183,593</u>	<u>\$ 350,874</u>	<u>\$ 2,498,626</u>	<u>\$ 8,334,093</u>	25.48%



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2011

TO: Mayor and Councilmembers

FROM: Administration, Airport Department

SUBJECT: Contract With Coffman Associates For Airport Master Plan

RECOMMENDATION:

That Council approve and authorize the Airport Director to execute a contract with Coffman Associates, a Missouri Corporation, for the preparation of an Airport Master Plan in an amount not to exceed \$893,595.

DISCUSSION:

Background

The Federal Aviation Administration (FAA) requires that airports maintain a Master Plan, which is updated every five to ten years as planned improvements are completed. The Airport's Master Plan/Aviation Facilities Plan was last updated in 2001. There were two major projects included in the 2001 Master Plan: construction of FAA standard runway safety areas on the main commercial runway, Runway 7-25; and construction of a new 72,000 square foot airline terminal building to meet the needs of the traveling public. The runway safety project is completed and the new airline terminal facility is due to be completed by summer 2012.

For many years, it has been envisioned that commercial aviation facilities would be developed south of Runway 7-25 and general aviation facilities would be developed north of Runway 7-25. With major general aviation leases north of Runway 7-25 expiring in the next five to seven years, it is the opportune time to consider where facilities are needed and their location as part of the Master Plan process.

Master Plan Goals

In an effort to facilitate the planning of future Airport improvements and to provide a framework to guide future airport development to meet aviation demand, a new Master Plan is needed.

There are three main goals for the Master Plan. The first goal is to focus on consolidating all general aviation facilities north of Runway 7-25. The Airport's two Fixed Base Operators' (FBO) leases expire in 2013 and the Ampersand lease expires in 2018.

These leaseholds, plus some additional area, equal approximately 40 acres north of Runway 7-25 that will need planning direction for future facility improvements.

The second goal is to evaluate future passenger demand and airline terminal facility needs. It is expected that the new terminal facilities will serve passenger demand for many years to come, however it is important to plan for future passenger demand and to relocate off-site long-term parking to the Terminal complex. Relocating the off-site long-term vehicle parking will enable the Airport to eliminate the off-site parking lot shuttle operation, saving the Airport about \$800,000 annually. Any future consolidation of long term parking and expansion of terminal facilities will require relocation of general aviation facilities now located south of the terminal. In addition to vehicle parking, the passenger terminal needs additional aircraft parking.

The third goal includes evaluation of airfield safety conditions and identification of facility needs that will improve the operating conditions for aircraft. The FAA Runway Safety Action Team has identified that the extension of Taxiway H west to the end of Runway 7 would reduce the potential for aircraft runway incursions.

Consultant Selection

The Airport prepared and distributed a Request for Qualifications (RFQ) for planning, architecture/engineering, environmental and consulting services on January 18, 2011. The RFQ was advertised in the American Association of Airport Executives newsletters and was posted on both the City of Santa Barbara and the Airport's websites.

On February 22, 2011, seven Statements of Qualification were received from the following firms: Coffman Associates, Mead & Hunt, Leigh Fisher Management Consultants, URS, Barnard Dunkelberg & Co., InterVISTAS Consulting LLC, and HNTB. Each submittal was evaluated based upon the criteria established in the RFQ.

As a result of the RFQ rating, three firms were selected for follow up interviews: Coffman Associates, HNTB, and Mead & Hunt. The interviews took place on March 23, 2011. The selection panel consisted of the Airport Director, Assistant Airport Director, Airport Operations Manager, Airport Project Planner, and a City Principal Planner. The companies were evaluated based on the criteria listed in the RFQ. After the interviews were completed, reference calls were made for each firm.

It was the unanimous recommendation of the selection panel that Coffman Associates' team best met the needs of the Airport. .

Coffman Associates

Coffman Associates is a specialized airport planning firm whose work is limited to airport planning and associated environmental and noise studies. Coffman Associates has been involved in over 500 airport master plans and over 70 Part 150 noise

compatibility studies. In addition, the firm has conducted more than 200 environmental studies and hundreds of other specialized planning studies for airports.

Scope of Services

A summary of the work items required for completion of the Airport Master Plan are listed below and a more detailed scope is attached.

1. Initiate and establish a Planning Advisory Council
2. Conduct inventory of available data
3. Prepare aviation forecasts
4. Determine demand capacity for airside and landside
5. Determine facility requirements based on capacity needs
6. Identify Airport development alternative scenarios
7. Recommend Master Plan concept and Capital Financial Plan
8. Update Airport plans with data
9. Public coordination and communication, including 15 meetings and materials
10. Final reports and approvals

The proposed scope of work has been approved by the FAA and is included in the contract with Coffman Associates.

BUDGET/FINANCIAL INFORMATION:

The City recently was awarded an Airport Improvement Program grant which provides \$791,420 with the local 5% match of \$41,654 for a total of \$833,074 for the project. The required environmental elements are not covered by the FAA and will be funded with available Airport reserves above Policy in an amount of \$60,521. The funds were appropriated by Council on the September 27, 2011.

ATTACHMENT: Scope of Services, Airport Master Plan
PREPARED BY: Hazel Johns, Assistant Airport Director
SUBMITTED BY: Karen Ramsdell, Airport Director
APPROVED BY: City Administrator's Office

**Scope of Services
Airport Master Plan**

Establish a Planning Advisory Committee – composed of representatives of FAA and Caltrans, local, regional, state, or federal agencies; airport users and tenants; and local community representatives. The Committee will advise the Consultant on content and recommendations of the Master Plan study through meetings and review of working papers.

Inventory – this element will assemble and organize relevant information, data and mapping to be used throughout the study in support of various analyses.

Forecasts – this study element is intended to determine an estimate of future levels of air traffic by quantity and by characteristics that will identify the demand that must be met by the Airport and by the surrounding airport environs area.

Demand Capacity – this element is to determine the critical airside and landside demand/capacity relationships to serve as a guide for later determination of facility requirements.

Facility Requirements – The capacity needs will be converted in this element into types and volumes of actual physical facilities required to meet forecast demands in aviation activity, and to identify short-term corrective strategies for problems that demand immediate attention.

Airport Alternatives – Using the Facility Requirements, alternative development scenarios, including the “no-build” scenario, for the Airport will be identified. These scenarios must take into account the development needs of the Airport to meet projected aviation demand levels as determined in the forecasting element and meet airfield, passenger terminal building, cargo area, general aviation area, revenue support area and other Airport capacity needs established under the demand/capacity element.

Recommend Master Plan Concept and Capital Financial Plan – This element will establish a capital implementation program to provide the Airport development requirements necessary to meet aviation activity demands during the forecast period.

Airport Plans – All plans will be prepared in a format which complies with the content contained within FAA’s current Airport Layout Plan checklist and can be utilized by the Airport in carrying out implementation of the projects.

Public Coordination and Communication - preparation and distribution of brochures, graphic displays, handout materials for the Planning Advisory Committee meetings (5); coordination meetings with Airport, FAA, Airport Land Use Commission, and Goleta Slough Management Committee (6); public workshops for general public and Airport users (4); and web page for Master Plan.

Final Reports and Approvals – These documents will depict all of the findings of the study effort and to present the study and its recommendations to appropriate local organizations.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2011

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of 860 Jimeno Road And 1402 Grand Avenue Single Family Design Board Approvals

RECOMMENDATION:

That Council deny the appeal of Tony Fisher, Attorney representing Mike and Linda Cahill, and uphold the Single Family Design Board (SFDB) Approvals of the as-built window and door changes to 860 Jimeno Road and proposed entry gate, turnaround, two-car garage, and relocation of property line fence for 1402 Grand Avenue.

EXECUTIVE SUMMARY:

The appellant has filed an appeal of the design review approval of improvements to the properties at 860 Jimeno Road and 1402 Grand Avenue including fencing, a window/door change and the design of a garage. Staff and the SFDB find that the proposed improvements to each of the existing single-family residential properties are appropriate and consistent with the City Zoning Ordinance provisions. Many of the issues raised in the appeal letter relate to situations on adjacent properties, issues unrelated to design review, or have to do with previous zoning enforcement action from years ago that will not be discussed in this report because they are not relevant to the appealed decision.

DISCUSSION:

Project Description:

The project includes the construction of a new detached two-car garage, the installation of automatic gates at the driveway entry, the landscaping screening of block walls south of the driveway, landscaping of an as-built turnaround area, and the relocation of the property line fence for 1402 Grand Avenue property. Alterations including window and door changes are proposed for the 860 Jimeno Road property. These exterior physical changes are subject to review and approval by the SFDB.

These two properties also processed a Lot Line Adjustment (LLA) resulting in a transfer of 3,140 square feet of lot area from the 860 Jimeno Road property to 1402 Grand Avenue property. As provided in the state Subdivision Map Act and the Municipal Code, the City

Staff Hearing Officer (SHO) approved the LLA on June 3, 2009 finding it is consistent with the Zoning Ordinance; this included conditions of approval on the LLA. In June 2010, the applicants requested a change to the proposed parking for 1402 Grand Avenue to be a two-car garage instead of a carport. Staff made a substantial conformance determination to accept the changes proposed.

Project History:

The appellant's letter describes a number of issues that are unrelated to the SFDB's decision to approve the architectural design changes to residence at 860 Jimeno and the proposed design of the garage and the location of site improvements for the 1402 Grand Avenue property.

The appellants as long time resident neighbor to these two properties have had a history of questioning the development and use of these properties. Staff will not be responding in detail to each issue that is unrelated to appeal' however we will provide a brief explanation of our position on some of those matters.

On June 3, 2009, the Staff Hearing Officer (SHO) approved a lot line adjustment subject to the conditions of approval outlined in SHO Resolution No. 046-09.

On April 20, 2010, the applicant submitted plans for SFDB review that showed a two-car detached garage and alterations to the SHO approved site plan that required staff to make a determination of substantial conformance. On May 10, 2010, after a mailed noticed was sent to neighbors within 300 feet of the project site and to interested parties that had previously requested to be notified for the case, the revised project was reviewed by the SFDB.

On June 30, 2010, Community Development Staff placed the application on the SHO agenda to receive input from the SHO regarding the "substantial conformance" request to build a two-car car garage rather than a one-car carport and enlarge the turnaround area prior to staff making a final determination of substantial conformance. An addendum to the arborist report prepared by Duke McPherson was presented to the SHO (Attachment 5) which stated that parking outside of the setback would not adversely impact the health of the oak tree on the 860 Jimeno Road property. Mr. McPherson was present at the hearing to further discuss his conclusions and suggested that the applicant could monitor the health annually for a total of three to five years to show that the parking was not adversely impacting the health of the tree. Following the SHO hearing, a letter dated July 29, 2010 was mailed to the applicants documenting that proposed revisions to the project were determined to be in substantial conformance.

On July 5, 2011, the SFDB reviewed and approved as-built alterations to the residence at 860 Jimeno Road property including window and door alterations to convert an existing basement storage area to living space. On July 11, 2011, the appellant filed an appeal of

this decision at the City Clerk's office. The appellant letter (Attachment 1) describes what occurred with respect to the City Clerk returning the appeal and then later staff acknowledging (in an email also part of Attachment 1) that the concerns regarding 820 Jimeno Road would be heard at the same time as this appeal that was expected for 1402 Grand Avenue.

On July 27, 2011, a time-extension request of the Lot Line Adjustment approval from the Applicant was reviewed and approved by the SHO. The appellant states, on page 6 of the appeal letter under section i, that an appeal of the time extension was filed but not processed. The appellant filed an appeal, which was later returned after consulting with the City Attorney, because it was determined that an approval of a time extension for an LLA is ministerial and is not an action that can be appealed to the City Council by a third party. In addition, the June 3, 2009 action to approve the lot line adjustment was not appealed within ten calendar days of the action as allowed for in the Municipal Code. Specifically, SBMC §27.40.100.C Expiration and Extension (of lot line adjustment approvals) states the denial of a time extension can be appealed by the applicant within fifteen working days of the action. No other types of appeals are allowed. This provision of the Municipal Code mirrors the treatment of appeals of decisions relating to time extensions under the state Subdivision Map Act.

On August 22, 2011, the SFDB reviewed and approved the following improvements the property at 1402 Grand Avenue at the Consent Calendar: 1) The as-built installation of decomposed granite to create a turnaround area adjacent to the existing driveway. 2) The removal of vegetation along the previous property line to allow access to the turnaround area that did not require review or permits to remove. 3) The landscape screening with rosemary of existing retaining walls that did not require a permit. 4) A proposal to construct a two-car garage to meet the conditions of approval for the Lot Line Adjustment. 5) A proposal to remove the existing property line fence and replace it along with property line fencing including the widening of the driveway width at the emergency access gate separating the properties at 860 Jimeno Road and 1402 Grand Avenue. 6) A proposal to install a new entry gate, lighting, and columns at the driveway entry off of Grand Avenue. The August 22, 2011 Consent Calendar action was ratified at the Full Board Hearing on August 29, 2011. The appellant filed an appeal on September 8, 2011 (Attachment 1).

APPEAL ISSUES:

A. Resulting Lot Sizes

The approval of a LLA considers the changes in lot size; however, the appellant did not file an appeal within 10-calendar days of the LLA approval on June 3, 2009. The LLA, as proposed did not require any zoning modifications. The LLA has been recorded and is not subject to appeal.

B. As-built Construction Work on Both Lots

860 Jimeno Road

The previous property owner submitted an application to permit the as-built window and door changes to the residence located at 860 Jimeno Road prior to the sale of the property to the current property owner. After receiving an approval from the City, the application was appealed by Mr. Fisher on behalf of the Cahills. Subsequently, the project was withdrawn and later the work was incorporated into the scope of work for the LLA involving the property and the property at 1402 Grand Avenue. The appeal was not heard by the City Council.

The applicant has asked the City to permit the as-built conversion of the basement from storage to habitable space; this conversion was disclosed in a Zoning Information Report for 860 Jimeno Road which was prepared at the time of sale from Midwest Institution LLC to current owners Joyce and Joseph Yob. During the zoning plan check, the as-built changes were reviewed to verify that the space, which does not have interior access to the remainder of the residence, could not be used as a separate residential unit as defined under SBMC §28.04.590. The as-built window and door change received review and approval by the SFDB which is subject to appeal.

1402 Grand

The applicants for 1402 Grand Avenue are asking the City to approve changes to the property for a new turnaround area and to limit parking within the setback by installing a curb/barrier ten feet from the northerly property line along the existing property line wall (with an exception of a 14-foot wide hammerhead), permit the installation of rosemary to screen alan block walls south of the driveway, the removal/ replacement of fencing at the shared property line to delineate the new property boundary, installation of new driveway entry gate, columns and lighting.

During the review process for the project, the appellant reported several alleged violations on the 1402 Grand Avenue property to the City; for example, the Appellant alleged the owners had constructed an Alan block retaining walls without required permits, the creation of a turnaround allowing for parking within required setback, the use of the residence as a vacation rental, and the enlargement of the residence without proper City review. Each of the allegations were reviewed prior to the approval of the lot line adjustment and have been summarized in the following paragraphs. In addition, the appellant has alleged that the proposed garage will be used in the future as an additional vacation rental.

The allegation that the alan block walls were constructed in 1999 without a permit was investigated by a building inspector in the field where it was determined that the wall did not require a building permit since it was 42" or less in height. The wall was measured to be 42 inches or less in height and therefore did not require a permit.

The appellant reported the property owners of 1402 Grand Avenue removed a retaining wall at the previous property line and reconstructed the retaining wall without permit in order to create additional on-site parking within the required setbacks for the illegal use of the property as a vacation rental. A building inspector completed a site investigation, reviewed the archive plans, and permit records. The inspector could not verify that a permitted retaining wall had been removed or that the partial repair and re-grouting of the existing retaining wall at the approved property line required a permit.

At the time of the complaint, the land used for parking and the newly created turnaround area was located within required setbacks of 860 Jimeno Road. The retaining wall to the north of the turnaround is where the property line was relocated to with the approval and recordation of the LLA. The design of the turnaround area is part of this appeal. The vacation rental use land use violation was verified and has been abated.

The appellant has also alleged that the square footage of the house was increased without proper noticing and public review. The plans for the current project have not increased the square footage since the last permit (BLD2005-00727) which was issued and a final inspection completed on June 12, 2008. As a requirement of the conditions of approval for the LLA, City Staff (including the case planner, the Development Review Supervisor and Building Inspector Supervisor) conducted a site visit to review alleged violations contained in the preceding paragraphs and completed field measurements of each of the rooms within the residence as required per the conditions of approval. Staff compared the field measurements of the rooms with the dimension on the plans and did not find any evidence that the square footage had increased.

C. Proposed New Construction at 860 Jimeno (New entry to as-built understory)

The exterior improvements to the property included the change of a window to a pair of French doors on the south elevation. The design change was reviewed and approved by the SFDB on July 5, 2011. The additional door to the attached accessory space does not violate the zoning ordinance.

D. Substantial Conformance Determination/ Time Extension Approval

The appellant characterizes the substantial conformance determination for changing a proposed carport to a garage as “amending” a condition of approval. Staff does not consider a substantial conformance determination to be an amendment of a condition of approval. The question determined in a substantial conformance determination is whether an alternative design substantially conforms to the project approval or conditional approval. After an application has been approved by the Staff Hearing Officer, the applicant may request minor revisions to a project. These requests are usually the result of completing the design review and plan check processes where some new requirement has come to light. This finding of “substantial conformance” was made by the Staff prior to the issuance of building permits. The SHO may be asked to offer input before Staff makes the substantial conformance determination. The question in this type of determination is whether the project revisions are substantially consistent with the original SHO approval.

If Staff cannot make the finding of substantial conformance and the applicant still wishes to pursue the revised project, an application for an amendment to the approval must be filed.

The appellant has included the LLA time extension and related substantial conformance determination in the appeal request (page 5, section f); however, a determination was made by Staff, after consultation with the City Attorney's office, that the substantial conformance determination and LLA time extension are not subject to appeal.

E. Garage in Lieu of Carport

The substantial conformance determination reviewed the conditions of approval and requested changes to the project and determined that the proposed changes meet the zoning codes parking requirements. Government Code Section 66412 (d) limits conditions placed on a LLA application to assuring compliance with the General Plan, building codes, and zoning ordinances.

At the time of the original LLA approval in 2009, the zoning ordinance required two covered parking spaces for a single-family residence (SBMC §28.90.100.G.a); however, an exception allowed the parking to be reduced to one-covered and one-uncovered parking space (SBMC §28.90.100.G.b). Staff required a condition to construct a one-car carport on the existing paved surface in order to make the finding that properties were consistent with the Single Family Residence Parking Regulations that were in effect at the time of the approval using the proposed parking locations identified on the plans for the LLA. At the June 3, 2009 Staff Hearing Officer meeting for the LLA it was discussed that the requirement to construct a one-car carport would not preclude that a two-car garage may later be proposed. The zoning ordinance allows for a garage size of up to 750 square feet to be constructed on lots zoned A-1 or on E-1 lots of greater than 20,000 square feet (SBMC §28.87.160.D.)

F. 1402 Grand Avenue Garage Placement and Design

The appellant states (page 5, section a) that the garage style and location is not compatible with the surrounding neighborhood which has garages adjacent to or as a part of the residence. In addition, the appellant feels that the garage design is not consistent with the existing architecture and should be sited closer to the front door of the residence.

The SFDB has reviewed the proposal and considered the location of the garage, size, and site topography and determined that the project is compatible with the neighborhood. (meeting minutes are included as Attachment 2). The first time the project was reviewed, covered parking was not proposed. Following the approval of the LLA, the project returned to the SFDB and requested at two-car garage that complies with the Zoning Ordinance.

G. Staff Bias and Mistakes

On page 6 under comment g. of the appellant's letter, it states that the minute's bold address, property owner information was amended from the agenda language. The

agenda for the July 5, 2011 and August 22, 2011 review by the SFDB did not include both property owners' names but did include the both addresses and parcel numbers within the body of the project description. Staff acknowledged the August 22, 2011 error at the meeting and did correct the SFDB minutes to reflect the omitted items which were raised by Mr. Fisher.

Staff strongly objects to the mischaracterization of City staff intentions and actions relative to the appellants' allegations of bias and inappropriate actions. The three incidents described on page 6 under section j of the appellant's letter relate to a previous case, properties other than the subject of this appeal, and the incidents have no relation to the SFDBs approval of the project that is under appeal.

CONCLUSION:

The proposed project has undergone a thorough review by staff, the SFDB and the Staff Hearing Officer. It is staff's position that appropriate consideration has been given to the appellant's issues as part of the SFDB and Staff Hearing Officer review process, the project is compatible with the neighborhood and the project is consistent with the Zoning Ordinance.

ATTACHMENT(S):

1. Appellant's letter dated 9/8/11
2. Applicant's letter dated 9/26/11
3. Plans approved by the SFDB
4. Design Review Activities Summary
5. Arborist's Reports prepared by Duke McPherson
6. SHO Resolution 046-09
7. SHO Minutes dated 7/27/11, 6/30/10 and 6/3/09

PREPARED BY: Suzanne Riegle, Assistant Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator/Community Development Director

APPROVED BY: City Administrator's Office

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CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

September 8, 2011

Mayor Helene Schneider and Members of the City Council

City of Santa Barbara
City Hall at De La Guerra Plaza
Santa Barbara CA 93101

RE: Notice of Appeals of Single Family Design Board (hereinafter SFDB) actions and decisions related to the following:

- A. lot-line adjustment between 860 Jimeno Road and 1402 Grand Ave. which takes land from the smaller lot and adds it to the larger lot;**
- B. as-built construction on both lots;**
- C. proposed new construction at 860 Jimeno (new entry to as-built understory);**
- D. as-built parking and driveway under the drip line of a majestic Oak after removal of historical stone wall;**
- E. construction of an oversized two car garage in lieu of a carport required as part of the final approval of a lot line adjustment by the Staff Hearing Officer in Resolution # 046-2009 dated June 3, 2009. That approval was not appealed and is final;**
- F. the garage design and placement violates the requirement to be compatible with the neighborhood which has garages adjacent to or as part of the dwelling. The roof line, height, size and location are not compatible with the house. The size and location is poor planning if intended to be used as a two car garage for a single family house. The size and placement make it more conducive to being used as an accessory building for the vacation rental business operated illegally by the current owners in A-1/E-1 single-family zones; and**
- G. numerous example of bias and mistakes by City building and staff which have resulted in the flawed process.**

Dear Honorable Mayor Schneider and Members of the City Council:

This appeal is filed on behalf of Mike Cahill and Linda Cahill of the actions and decisions of the SFDB and city staff members. Mr. and Mrs. Cahill and their family have lived adjacent to the two lots for more than thirty years. A prior appeal of preliminary and final approval actions of the SFDB was filed on July 11, 2011. As documented in the attachments submitted with this appear, the staff in the City Clerk's office was erroneously instructed to not accept or process as required by the Municipal Code and the City Charter. The City Planner has claimed responsibility for the erroneous oral instructions to the City Clerk and has apologized for the errors.

Prior Appeal History. The appeal filed on July 11, 2011 will now be processed with this appeal. As a result of the erroneous advice by the Community Development Department and numerous errors in descriptions of the project status and processing, the SFDB Members were never accurately informed and were improperly restricted in the exercise of discretion by City staff who prepared erroneous descriptions of the projects and then attended SFDB meetings and gave erroneous advice regarding the role of the SFDB. Because staff will likely refer to minutes of those meetings, it is important to keep in mind that due to erroneous information the review of the project was improperly on the consent agenda. SFDB members were misled by staff as to the other reviews and appeals of the project. Consent Agenda hearings are not broadcast and no one makes an official video or tape record. The resulting minutes are full of errors and misrepresentations.

When the Staff Hearing Officer approved on July 27, 2011 an application for an extension of the expiration date of the 2009 lot line adjustment approval, the undersigned filed a timely appeal. Staff has erroneously attempted to reject that appeal. The staff takes the position that the change in the size, design and location of covered parking is subject only to staff approval and that the Staff Hearing Officer only approved a date extension. The Agenda and minutes of the State Hearing Officer suggest that is what happened. However, as stated below, the extension was appealed timely and the staff does not have the power to make a change in the condition of approval which became final when no appeal was filed.

This appeal grows out of the relatively long history of construction without proper permits and approvals carried out by Todd Drevo and Melanie Cava Drevo, the managers of Midwest Institution, LLC. The Limited Liability Company purchased the property from the prior owners who had proposed with staff support the construction of a 6,000+ square foot mansion on the very steep sloped lot at 1402 Grand. That out of scale project was rejected by the City Council at the request of the neighbors despite the strong support from City staff. The processing of that project was one of the proposed projects which highlighted the need for Single Family Design Guidelines.

Significant to these sites is the fact that the properties are in the high fire hazard zone of the City and although 1402 Grand is more than five acres but with a very limited buildable site due to the steep terrain. Transient occupancy is not compatible with a high fire zone. Midwest Institution then obtained approval to remove illegal additions to the house which had been identified in the Zoning Information Report and to replace the exterior surfaces. During that process, the house, instead of being restored to its original modest and approved size, became larger and the accessory building was converted to livable space. That allowed Midwest Institution to have sleeping space for ten to twelve persons, as advertised.

Todd Drevo and Melanie Cava Drevo purchased the second property involved in this lot line adjustment at 860 Jimeno Rd. The property had been owned for more than thirty years by Mr. and Mrs. Pedersen who had joined in the opposition to the prior proposed development at 1402 Grand. The Pedersen property had an easement for access to Grand Avenue over the 600 foot long driveway leading from the end of Grand Avenue to the 1402 Grand Avenue house originally built by Mr. and Mrs. Largura. Todd Drevo and Melanie Cava Drevo, immediately began, without approvals or permits, to create a finished understory to expand the size of the house and to convert covered parking to living space. They removed a stone wall which followed the property line and provided protection to the large majestic Oak tree on the 860 Jimeno Drive property. They installed parking under the Oak. The parking use continues to the present despite SFDB and SHO decisions calling for the protection of the area under the drip line of the Oak. It is important to note that Mr. and Mrs. Drevo and their agent have repeatedly represented to the SFDB that the stone wall existed. Google Maps includes aerial photos showing the wall before it was destroyed and before the area under the Oak tree was converted to parking. The maps also show the current configuration which is part of the project for which the owners are seeking approval.

Todd and Melanie Cava Drevo then sold the 860 Jimeno Rd property to Joseph Yob and Joyce Yob. As part of the sale, the parties agreed to attempt to process a lot line adjustment transferring a part of the Yob's smaller lot to the larger lot controlled by Drevo. In addition, the easement held by the 860 Jimeno Road property over the 1402 Grand Avenue property was eliminated and the 1402 Grand property was granted an easement to use the 860 Jimeno Road driveway in an emergency.

In addition to the illegal construction of Alan block walls at 1402 Grand and the expansion of the house and livable space in the accessory building, the single-family zoned property was advertized and used as a hotel by Midwest Institution year after year. The ads described the five acre site with sleeping for 10-12 persons with daily and weekly rental rates. After neighbors repeatedly provided information to the City enforcement offices, including the Finance Department, the City Attorney filed a lawsuit seeking damages for the illegal hotel use and an injunction against future illegal use. That lawsuit was settled shortly after it was filed by the payment of a \$5,000.00 fine and the issuance of an injunction against future hotel operations. That amount is likely far less than the unpaid transient occupancy tax which was due to the City for operation of the hotel. Payment of the transient occupancy tax is due to the City even if the use is illegal. Payment of the tax does not allow violation of the zoning restrictions to single family use. A weekly summer rental rate, as advertized, was \$4,795.00. Despite the fact the settlement included an injunction against future hotel usage, the property has continued to have short term tenants despite the representations to the contrary.

1. Planning issues:

- a. Garage location is not suitable for use with the house because of the distance from the house which includes the fact that the proposed garage elevation is significantly above the top floor level of the house. The garage location would actually be more convenient to either the single family house at 860 Jimeno or the Cahill single family home at 810 Largura. Also, 1402 Grand would be the only house in the area which does not have the garage immediately adjacent to or attached to the house. The property has adequate space in the area adjacent to the house for a garage. That would be a more appropriate location and would eliminate the problems with the majestic Oak and the impact on the neighborhood. However, it would need to have approval from the SHO for a change to the conditions of approval of the lot line adjustment which still require the construction of the carport on the existing concrete parking area nearer the 1402 Grand single family house.
- b. The requirement to construct a carport above an existing concrete pad was not objected to by the Applicants and it was approved by the Staff Hearing Officer and no one appealed. That decision is contained in Resolution #046-2009. It is noted that in a subsequent staff report staff erroneously stated that an appeal had been filed. The Lot Line Adjustment Agreement recently being processed by Public Works and signed by the Midwest Institution and Mr. and Mrs. Yob states that the lot line adjustment is subject to the conditions in Staff Hearing Officer Resolution # 046-09 dated June 3, 2009.
- c. The decision to require the carport to be located on the existing concrete was to minimize new concrete or asphalt and to restrict the use of the area under the drip line of the Oak trees. The new location is not consistent with those objectives.
- d. The proposed two car garage is oversized. The garage is 27 feet long which allows for other accessory building uses and increases the size of the area converted to paved surface. The property has another accessory building. The drawings submitted to the SFDB contain errors which were identified during the final consent agenda hearing. The pedestrian door would open to a drop-off. It was improper to merely point out the problem when the drawings do not reflect a drop-off exists. The survey map provided by the Applicants appears to be two surveys (one for 1402 Grand and one for 860 Jimeno) and the elevations are misleading.
- e. Based upon location and history, this new building will not be used as a garage but will be used to house the vacation rental business. That use is not appropriate in the single-family zone.

- f. Staff approvals are not valid. Staff is expected to argue that Staff has the authority to change the conditions of approval of a lot line adjustment. There is no grant of authority in the Municipal Code allowing staff to replace or change a condition imposed by the local agency at the time of approval of a lot line adjustment after notice and hearing pursuant to Title 27 of the Municipal Code. . Simply stated, if an individual staff member has the authority to change a condition of approval, it makes no sense to have a required process involving the public hearing, a decision and a right of appeal. Why even have a process involving appeals to the Planning Commission or City Council if the staff member can sit down with the Applicants behind closed doors and agree to implement a change? There is no such valid delegation of authority and the purported exercise of such authority is a violation of the Municipal Code and due process.
- g. The City Council needs to be aware that minutes of the meetings of the SFDB as approved are not accurate. The information included in the Agenda has been changed by staff when the “minutes” were drafted. This took place after the July 5 and the August 22 meeting. The SFDB Chair is apparently of the view that minutes need not be accurate or complete because when the potential errors were noted, the Chair proceeded to ignore the information. For the record, the August 22 meeting minutes do not accurately state:
 - i. The names of the owners as stated at the time of the hearing. It is noted that on July 5, 2011 the mailed agenda listed one of the two properties yet the minutes list both.
 - ii. The zoning of the property is not accurate on the Aug. 22 agenda or minutes.
 - iii. The minutes are erroneous as to persons and as to persons present and persons allowed to speak. Mrs. Cahill was present but denied the right to speak. The minutes state otherwise. Staff persons present and involved in the meeting are not even included in the list of persons in attendance.
 - iv. The agenda for the meeting stated that SHO approval was pending for the change in conditions regarding the substitution of an oversized garage at a different location than the approved carport. The wording of the agenda was changed when the minutes were prepared to state that the staff had approved the change in location and size. That is highly deceiving.
 - v. Public comment was not referenced in the minutes. The public comment cited the need for accurate minutes of all SFDB meetings.
- h. Pursuant to Title 27 of the Municipal Code, the conditions of approval of a lot line adjustment can only be changed by following the same process used to adopt the

initial approval. In other words, a noticed hearing before the Staff Hearing Officer and a decision by the Staff Hearing Officer is necessary to change a condition of approval. That was not done.

- i. The appeal of the decision of the staff hearing officer to extend the appeal time was not processed by the staff. As a result, the SFDB was erroneously informed regarding the status of other approvals. The SB Municipal Code provides for an appeal of all decisions of the Staff Hearing Officer by filing an appeal within ten days. The code also provides that the Applicant can file its appeal within 15 days. The provision which allows an Applicant 15 days to appeal does not eliminate the right to appeal within the other code section. The staff has adopted an erroneous interpretation of the Code.

- j. There is a history of staff bias which resulted in flawed process and planning.

(1). Regarding the Kohler projects for 6000 sq. ft. house. The project was rejected at City Council but that rejection was one action cited by the City's supervisor of project processing as a reason for his personal dislike of the neighbors and their attorney. He voiced similar anger when other projects supported by staff were rejected or not built. That personal bias was contained in an email sent by the Supervisor of project review and addressed to his superiors.

(2). Another neighbor proposed a major expansion at 812 Largura. It was opposed and the reduced size project was abandoned by the owner as not reasonable on the steep slopes. Staff ultimately "approved" an illegal expansion of a deck even after it was learned and agreed by staff that a building inspector had assisted in creation of a false record of approval. This project was one cited by the Supervisor as a reason for his strong personal dislike of the neighbors.

(3). When the Cahills hired a contractor to resurface their driveway, the building inspector issued a stop work order, refused to give final approval and engaged in unprofessional verbal abuse of the contractor. That was challenged and the final inspection denial was reversed. The same inspector had attempted to get the neighbor to not object to the false record of approval of the deck and clearly displayed his anger when he was not successful. During that investigation it was learned the inspector also requested a Public Works employee to explore taking action against the Cahills. The Public Works employee declined. The actions of the inspector were reported to Human Relations but the results of the investigation were not made public.

In conclusion, the Appellants request the City Council to take a site visit and reverse the actions of the SFDB related to the purported garage with the intent of relocating the garage to the northwest side of the house or enforcing the conditions of approval which require the carport to

be built on the existing concrete slab. The protections of the Oak as stated in SHO Resolution 046-2009 need to be followed.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Tony Fischer". The signature is fluid and cursive, with the first name "Tony" and last name "Fischer" clearly distinguishable.

Tony Fischer, Attorney
for Mike and Linda Cahill

Attachments:

City Clerk file materials.

Appeal of SHO action to Planning Commission

Copy of VRBO ad.

Emails to and from Bettie Weiss, City Planner

Tony Fischer

From: "Rodriguez, Cyndi" <CMRodriguez@SantaBarbaraCA.gov>
To: "Tony Fischer" <fischlaw@cox.net>
Cc: "Wiley, Stephen" <SWiley@SantaBarbaraCA.gov>; "Lopez, Marcelo A." <MLopez@SantaBarbaraCA.gov>; "Casey, Paul" <PCasey@SantaBarbaraCA.gov>; "Weiss, Bettie" <BWeiss@SantaBarbaraCA.gov>
Sent: Friday, August 12, 2011 4:32 PM
Attach: Appeal_File,_860_Jimeno_+_1402_Grand.pdf
Subject: Request for Records
Tony,

Per your request, attached is a scanned copy of the documents the City Clerk's Office has on file regarding 806 Jimeno/1402 Grand Avenue.

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

8/13/2011

OKIG LTR HNU HHTAL FEE REIMBURY
8/4/11: APPEAL NOT APPROPRIATE
AT THIS TIME

RECEIVED

2011 JUL 11 AM 8:53

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

July 8, 2011

To: City of Santa Barbara
(Hand delivered to City Clerk's Office)

From: Mike and Linda Cahill 708 4903
810 Largura Place,
Santa Barbara, CA 93103

SUBJECT: Appeal of the July 5, 2011 Single Family Design Board's Approvals concerning:
Item #1. 860 Jimeno Road, and 1402 Grand Avenue.

Bases for Appeal:

1. Project architecture is not compatible and for all of the objections stated to the approval of the project at SFDB and SHO. In addition the approval after the lot line adjustment has expired is inappropriate. The SFDB based its decision on the Applicant's expression of an intent to explore changing the roof line of the house in the future. That same expression of intent was made years ago but it is not based on fact. In any event, a future intention is not a basis to make a finding of compatibility."
2. No discussion was held concerning the 10" height increase and its impacts from 11'3" to 12' 1".

NOTE: Copy of this appeal should go to the SHO. We are told the SHO will be Suzie Reardon. The SHO hearing is scheduled for July 13, 2011.

Mike Cahill and Linda P. Cahill

Mike Cahill and Linda P. Cahill

Cc: Tony Fischer, Attorney
2208 Anacapa Street
Santa Barbara, CA 93105

Note: The Cahill's will not be available
the first two weeks of August 2011

**CITY OF SANTA BARBARA
CALIFORNIA**

A 79666

DIVISION: CITY CLERK'S OFFICE

Date July 11, 20 11

Received from Mike Cahill
Four hundred thirty 40/100 Dollars
for appeal of SFDB decision re: EEO Jimeno Fund,
and 1462 Grand Avenue

\$ 430.00

Acct. No. _____

Tran Code _____

By CM Rodriguez
Title City Clerk Services Manager

NOTICE:

1. On Thursday, June 30, 2011, this Agenda was duly posted on the indoor and outdoor bulletin boards at the Community Development Department, 630 Garden Street, and online at www.SantaBarbaraCa.gov.
2. This regular meeting of the Single Family Design Board will be broadcast live on City TV-18, or on your computer via <http://www.santabarbaraca.gov/Government/Video/> and then clicking City TV-18 Live Broadcast. City TV-18 will also rebroadcast this meeting in its entirety the following Wednesday morning at 8:00 a.m. An archived video copy of this meeting will be viewable on computers with high speed internet access the following Wednesday at www.santabarbaraca.gov/sfdb and then clicking *Online Meetings*.

GENERAL BUSINESS:**A. Public Comment:**

Any member of the public may address the Single Family Design Board for up to two minutes on any subject within their jurisdiction that is not scheduled for a public discussion before the Board on that day. The total time for this item is ten minutes. (Public comment for items scheduled on today's agenda will be taken at the time the item is heard.)

B. Approval of the minutes of the Single Family Design Board meeting of June 20, 2011.**C. Consent Calendar: June 27, 2011; and July 5, 2011.****D. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals.****E. Subcommittee Reports.****SFDB-CONCEPT REVIEW (CONT.)****1. 860 JIMENO RD****E-1 Zone****(3:10)**

Assessor's Parcel Number: 029-110-037

Application Number: MST2008-00402

Agent: Richele Mailand

Owner: Joyce and Joe Yob

(This project has been revised to add a 562 square foot detached two-car garage for 1402 Grand Avenue and the proposed total of 3,401 square feet on the 5.2 acre lot is 47% of the maximum floor-to-lot area ratio. Staff Hearing Officer determination of substantial conformance is requested. Proposal for a lot-line adjustment to decrease 860 Jimeno Road and increase 1402 Grand Avenue by 3,140 square feet. Resulting lot sizes would be 22,598 and 226,973 square feet (5.2 acres) respectively. The lots are located in the Hillside Design District. The project includes a new entry gate and "as-built" changes to the stone walls along the driveway at 1402 Grand Avenue. The project also includes alterations to the residence at 860 Jimeno Road consisting of replacement of an existing window with new French door, adding a new window, and converting the existing permitted understory to habitable space. Staff Hearing Officer approval is requested for the lot-line adjustment.)

(Comments only; a Staff Hearing Officer hearing is scheduled for July 13, 2011, for a requested time extension for the lot-line adjustment (Resolution No. 046-09)).



City of Santa Barbara
City Clerk's Office

Memorandum

DATE: July 18, 2011

TO: James Armstrong, City Administrator
Stephen Wiley, City Attorney
Paul Casey, Community Development Director
Jaime Limón, Planning Division

FROM: Cynthia M. Rodriguez, CMC, City Clerk Services Manager
Susan Tschech, Deputy City Clerk

SUBJECT: Receipt of Appeal

The following described appeal was filed with the City Clerk's Office on July 11. A copy of the appeal letter is attached.

Name of Appellant: Mike and Linda Cahill

Body which made decision being appealed: Single Family Design Board

Date of meeting at which decision was made: July 5, 2011

Decision(s): Concept Review Approval

Name of Property Owner (if different than Appellant): Joyce and Joe Yob

Address of property in question: 860 Jimeno Road/1402 Grand Avenue

Suggested hearing date: ?. Our office will coordinate the setting of the hearing date with Staff and the parties to the appeal.



City of Santa Barbara

City Clerk's Office

www.SantaBarbaraCA.gov

735 Anacapa Street
P.O. Box 1990
Santa Barbara, CA
93102-1990
Tel.: 805.564.5309
Fax: 805.897.2623

August 4, 2011

Mike Cahill
810 Largura Place
Santa Barbara, CA 93103

Re: Appeal of July 5, 2011 Single Family Design Board Review of Project at 860 Jimeno Road

Dear Mike,

Enclosed are your letter and check for an appeal of the Single Family Design Board's July 5, 2011, review of the project at 860 Jimeno Road. Per my discussion with Planning Division staff on July 19, 2011, because the Board made comments only about the project on July 5 and an approval decision was not made, an appeal of that review cannot be made.

Sincerely,

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

A handwritten signature in cursive script, appearing to read "Susan".

Susan Tschech
Deputy City Clerk

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Wednesday, August 03, 2011 2:32 PM
To: 'Tony Fischer'
Cc: Lopez, Marcelo A.
Subject: RE: Files--appeal 1402 Grand
Hi Tony,

The only correspondence we have on file is the letter filed by Mr. Cahill, dated July 8, 2011, which he CC'd you on the letter. Please let me know if you would like another copy.

Given the staff shortages in the City Clerk's Division, we frequently close at noon.

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

From: Tony Fischer [mailto:fischlaw@cox.net]
Sent: Wednesday, August 03, 2011 2:03 PM
To: Rodriguez, Cyndi
Cc: Lopez, Marcelo A.
Subject: Files--appeal 1402 Grand

I was at City Hall at 12:15 today to see the appeal file and any related correspondence regarding the appeal of ABR votes and processing. The office had a closed sign and the person guarding city hall restrooms told me the office is always closed at noon. True? Can you forward via email attachment the items requested?

Thank you.

Tony Fischer, Attorney
fischlaw@cox.net
563 6784

8/10/2011

Rodriguez, Cyndi

From: Tony Fischer [fischlaw@cox.net]
Sent: Friday, August 05, 2011 1:17 PM
To: Rodriguez, Cyndi
Cc: Lopez, Marcelo A.
Subject: Fw: Appeal: SFDB July 5 1402 Grand/860 Jimeno
Attachments: Minutes July 5 2011 SFDB.pdf

— Original Message —

From: Tony Fischer
To: crodriguez@santabarbaraca.gov
Sent: Friday, August 05, 2011 1:10 PM
Subject: Fw: Appeal: SFDB July 5 1402 Grand/860 Jimeno

— Original Message —

From: Tony Fischer
To: crodriguez@santabarbaraca.gov
Cc: mlopez@santabarbaraca.gov
Sent: Friday, August 05, 2011 12:58 PM
Subject: Appeal: SFDB July 5 1402 Grand/860 Jimeno

Cynthia M. Rodriguez, CMC, City Clerk Services Manager, City of Santa Barbara
Dear Ms. Rodriguez:

Following up my request for the documents related to the referenced appeal, attached please find a copy of the pertinent minutes (Approved by SFDB Full Board) of the July 5 meeting. Please put a copy of this email and the minutes with the records related to the appeal filed by Mr. and Mrs. Cahill regarding the Single Family Design Board actions on July 5, 2011. The file should then have, in addition to this email and attachment, a copy of the Appeal, the receipt for payment (or copy of the check) of the Appeal, and the telephone message notes regarding the call from the Project Planner, Ms. Riegle, on July 19 regarding the action of the SFDB. Also, please print out and include a copy of the prior emails we have exchanged regarding this matter. Further, if you have any other information or determination by any City employee showing that the minutes attached do not reflect accurately the motions made and passed on July 5, 2011, please provide that information. Your cooperation will be appreciated.

Very truly yours,
Tony Fischer, Attorney for Mike and Linda Cahill
2208 Anacapa Street
Santa Barbara, CA 93105
fischlaw@cox.net
805 563 6784

8/10/2011

Tony Fischer
Attorney at Law
2208 Anacapa Street
Santa Barbara, CA 93105
Tel: 805 563 6784
fischlaw@cox.net

August 10, 2011

Cynthia M. Rodriguez, CMC,
City Clerk Services Manager, City of Santa Barbara
City Hall,
Santa Barbara, CA 93101

RE: Appeal of SFDB decision involving 860 Jimeno and 1402 Grand

Dear Ms. Rodriguez:

I am now aware that you have attempted to frustrate and interfere with the rights of Mr. and Mrs. Cahill to have a hearing on the appeal from the July 5, 2011 decision of the SFDB regarding the lot-line adjustments, "as-built" and future construction involving the properties at 860 Jimeno Road and 1402 Grand Avenue. After timely receipt of the appeal and fees, you took no action regarding processing the appeal. As you know, I came to your offices to inspect the file on August 4, 2011. Apparently, thereafter you decided to return appeal documents to Mr. and Mrs. Cahill. That timing appears tied to the fact that from the appeal document you knew they would not be available during the first two weeks of August.

After claiming you had no access or information regarding the SFDB's actions, I provided to you a copy of the minutes which clearly states the SFDB did take action. The minutes were and are available to you at the on-line posting available to the public and to all city staff. As you also know from prior experience and past practices, a citizen, and in particular, an adjacent property owner has a right to a hearing and appeal of a decision of the SFDB. It is the duty of your office to process the appeal despite any wrongful attempt by a staff planner either working alone or with others, to stop the appeal rights of a property owner. Apparently, the project planner contends, contrary to the minutes, that the SFDB only made comments. That contention is not based upon a good faith attempt to understand what happened on July 5, 2011.

When public officials, either working alone or in concert with others, take away the rights of a property owner to be heard, our system of due process which protects the civil rights of all, is put in jeopardy. It is not to be taken lightly.

I am requesting that you immediately make available a copy of all correspondence or communications received and/or sent by your office regarding this Appeal and that you take the appropriate steps to process the appeal.

I can be reached at 805 563 6784 and my email is fischlaw@cox.net.

Very truly yours,


Tony Fischer, Attorney for Mike and Linda Cahill



City of Santa Barbara Planning Division

SINGLE FAMILY DESIGN BOARD MINUTES

TUESDAY, July 5, 2011

David Gebhard Public Meeting Room: 630 Garden Street

3:00 P.M.

BOARD MEMBERS:

GLEN DEISLER, CHAIR - PRESENT
DENISE WOOLERY, VICE-CHAIR - PRESENT
BERNI BERNSTEIN - PRESENT
BRIAN MILLER - PRESENT
JIM ZIMMERMAN - PRESENT
FRED SWEENEY - ABSENT

CITY COUNCIL LIAISON: DALE FRANCISCO - ABSENT

PLANNING COMMISSION LIAISON: MICHAEL JORDAN - ABSENT

STAFF:

JAIME LIMÓN, Design Review Supervisor - ABSENT
MICHELLE BEDARD, Planning Technician - PRESENT
GLORIA SHAFER, Commission Secretary - PRESENT

Website: www.SantaBarbaraCa.gov

SINGLE FAMILY DESIGN BOARD SUBMITTAL CHECKLIST (See ABR Guidelines & Design Review Submittal Requirements for Details)		
CONCEPT REVIEW	Required	Master Application & Submittal Fee - (Location: 630 Garden Street) Photographs - of the existing building (if any), adjacent structures, composite panoramic view of the site, surrounding areas & neighborhood streetscape - mounted or folded to no larger than an 8.5" x 14" photo display board. Plans - three sets of folded plans are required at the time of submittal & each time plans are revised. Vicinity Map and Project Tabulations - (include on first drawing) Site Plan - drawn to scale showing the property boundaries, existing & proposed structures, building & area square footages, building height, areas to be demolished, parking, site topography, conceptual grading & retaining walls, & existing landscaping. Include footprints of adjacent structures. Exterior elevations - showing existing & proposed grading where applicable.
	Suggested	Site Sections - showing the relationship of the proposed building & grading where applicable. Plans - floor, roof, etc. Rough sketches are encouraged early in the process for initial design review to avoid pursuing incompatible proposals. However, more complete & thorough information is recommended to facilitate an efficient review of the project.
PROJECT DESIGN APPROVAL	Required	Same as above with the following additions: Plans - floor, roof, etc. Site Sections - showing the relationship of the proposed building & grading where applicable. Preliminary Landscape Plans - required for commercial & multi-family, single-family projects where grading occurs. Preliminary planting plan with proposed trees & shrubs & plant list with names. Plans to include street parkway strips.
	Suggested	Color & Material Samples - to be mounted on a board no larger than 8.5" x 14" & detailed on all sets of plans. Exterior Details - windows, doors, eaves, railings, chimney caps, flashing, etc. Materials submitted for Project Design Approval form the basis for working drawings & must be complete & accurate.
FINAL & CONSENT	Required	Same as above with the following additions: Color & Material Samples - to be mounted on a board no larger than 8.5" x 14" and detailed on all sets of plans. Cut Sheets - exterior light fixtures and accessories where applicable. Exterior Details - windows, doors, eaves, railings, chimney caps, flashing, etc. Final Landscape Plans - landscape construction documents including planting & irrigation plan. Consultant/Engineer Plans - electrical, mechanical, structural, & plumbing where applicable.

SFDB-CONCEPT REVIEW (CONT.)**1. 860 JIMENO RD AND 1402 GRAND AVE****E-1 Zone**

Assessor's Parcel Number: 029-110-037

Application Number: MST2008-00402

Agent: Richele Mailand

Owner: Joyce and Joe Yob

(This project has been revised to add a 562 square foot detached two-car garage for 1402 Grand Avenue and the proposed total of 3,401 square feet on the 5.2 acre lot is 47% of the maximum floor-to-lot area ratio. Staff Hearing Officer determination of substantial conformance is requested. Proposal for a lot-line adjustment to decrease 860 Jimeno Road and increase 1402 Grand Avenue by 3,140 square feet. Resulting lot sizes would be 22,598 and 226,973 square feet (5.2 acres) respectively. The lots are located in the Hillside Design District. The project includes a new entry gate and "as-built" changes to the stone walls along the driveway at 1402 Grand Avenue. The project also includes alterations to the residence at 860 Jimeno Road consisting of replacement of an existing window with new French door, adding a new window, and converting the existing permitted understory to habitable space. Staff Hearing Officer approval is requested for the lot-line adjustment.)

(Comments only; a Staff Hearing Officer hearing is scheduled for July 13, 2011, for a requested time extension for the lot-line adjustment [Resolution No. 046-09]).

(3:21)

Present: Richele Mailand, Agent.

Suzanne Riegle, Associate Planner, clarified for the Board transportation requirements and minor project changes.

Public comment opened at 3:34 p.m.

Patrick Corrigan, addressed concerns regarding the integrity of the 2.5 foot retaining wall separating the site from his neighboring property.

Linda Cahill, opposed; addressed concerns regarding the zoning and history of use of the site; proposed garage proximity to Ms. Cahill's property and potential obstruction of views.

Public comment closed at 3:43 p.m.

Motion 1: Project Design Approval and Final Approval for the portion of the project at 860 Jimeno Road, with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code with window changes contingent upon the Staff Hearing Officer time extension approval.

Action: 1) Findings for quality materials and neighborhood compatibility were made. Woolery/Zimmerman, 4/0/0. Motion carried. (Bernstein/Sweeney absent).

Motion 2: Continued indefinitely to the Staff Hearing Officer and return to Consent Calendar for the portion of the project at 1402 Grand Avenue with the following comments:

- 1) The project received positive comments on location and size of proposed garage structure; hammerhead turnaround, fire accessibility, entry gates, and Allan Block wall.
- 2) Provide landscape screening of the garage from the uphill neighbor, which does not exceed the garage height. Provide landscape details when returning to Consent Calendar.

Action: Woolery/Miller, 4/0/0. Motion carried. (Bernstein/Sweeney absent).

**Tony Fischer
Attorney at Law
2208 Anacapa Street
Santa Barbara, CA 93105
Tel: 805 563 6784
fischlaw@cox.net
August 8, 2011**

Planning Commission, City of Santa Barbara
630 Garden Street
Santa Barbara CA 93105

(With Copy to Mayor and City Council Members)

**RE: Notice of Appeal of changed conditions and
time extension for lot line adjustment at 860 Jimeno and 1402 Grand approved by
SHO on July 27, 2011.**

Dear Honorable Chair and Members of the Planning Commission:

This is an appeal filed on behalf of Mike and Linda Cahill of the actions of the Staff Hearing Officer/Planner, Susanne Reardon acting under the direction of Danny Kato, City Planner and Susanne Riegle, Staff Planner.

This appeal is based upon the issues raised in that communication from the undersigned to the SHO (copy attached) before the SHO approved the changes in the conditions of approval and the expansion of the project on July 27, 2011. The issues were not considered based upon flawed reasoning and based upon improper direction from the staff, including the immediate supervisor, of the Staff Hearing Officer. In addition, the appeal is based upon

- (1) The failure of the SHO to review and evaluate the evidence related to the current status of the proposed lot line adjustment. As evidenced in the attached copy of an exchange of emails, the staff planner did not have documentation regarding the alleged status of the processing of the alleged lot line adjustment process. The files of the persons in Public Works handling the lot line adjustment could not be located and made available to the undersigned. As a result, additional issues will be cited when the files are located and made available.
- (2) The failure of the staff and SHO to evaluate the proposed site of the accessory building/garage to verify that it can be built as shown on the drawings. The drawings do not accurately display the site slope conditions and the proposed structure. A proper site visit with the building location as proposed carefully staked should reveal the exact

location of the proposed structure and the slope at that location. The construction on steep slopes is contrary to Single Family Design Guidelines and the General Plan.

- (3) The hearing on July 27, 2011 was the first time at a noticed hearing the public was provided the opportunity to review and comment upon the proposed changes to the conditions of approval regarding the location of the covered parking space . Unfortunately, in an attempt to deprive the neighbor of an attempt to provide pertinent information, the SHO and staff planner took the position that this clearly relevant information would not be considered by the SHO who was acting under direction of her immediate supervisor who signed the staff recommendation.
- (4) A condition of approval of the lot line adjustment in 2009 was the requirement that staff visit the site of the residence at 1402 Grand and determine the actual as-built size of the residence in view of the apparent expansion which took place despite the fact that the only permit issued to the current owners was a permit to change the exterior skin of the structure and to remove the illegally added enclosed spaces which had been created by prior owner(s). Where is that information? It is noted that the current size of the house allows for expanded vacation rental use at the higher rental rates and increases the parking burdens on the site.
- (5) Contrary to the characterization of the petition signed by the neighbors, the "petition" as worded is supportive of the original conditions of approval of the lot line adjustment and do not indicate approval of a 600 square foot accessory /garage /storage building located too far from the dwelling to be used as a garage. The letter in support from Francesca Cava, who describes herself as a neighbor, does not reveal that she is a sister to an owner. Ms. Cava is also engaged in the business of vacation rentals and has been supportive of the illegal use of the property at 1402 Grand Avenue.
- (6) The SFDB clearly requested that any proposed two car garage not located near the house be limited to 20 feet in length and to be located more than 19 feet from the property line. Those requests were denied by the Staff and the SFDB was improperly told it had to approve the larger building located closer to the property line.

Please contact the undersigned about scheduling the appeal hearing before the Planning Commission.

Very truly yours,

Tony Fischer, Attorney
for Mike and Linda Cahill

To: Suzanne Reardon, Staff Hearing Officer
From: Tony Fischer, Attorney for Mike and Linda Cahill
2208 Anacapa Street
Santa Barbara, CA 93105
805-563-6784 and fischlaw@cox.net

Re: Proposed lot line adjustment; proposed and "as-built" construction
at 860 Jimeno and 1402 Grand.

A failure of site planning.

The requirement to build a covered parking space as near as possible to the dwelling was intended to serve as a requirement of the approval of the lot-line adjustment approved by the Staff Hearing Officer in 2009. The current design submitted to the SHO and SFDB is a major change with significant adverse land use impacts for the site and the neighbor. It is contrary to logic for the City staff to initially support in 2009 a condition for one covered parking space, and thereafter to approve and to advocate with the applicants to change the requirement from a carport to an oversized two car pitched roof structure—the house has a flat roof—to be located approximately 100 feet from the house it is intended to serve. The new location and size cause significant adverse impacts to the adjacent property.

The condition to build a carport near the house became final in 2009. No appeal to the Planning Commission was filed by any of the Applicants. Basic urban planning and, likely, the first question in planning to add covered parking, is whether the location is suitable for use as a garage and will be in a location which will, using common sense, be actually used for parking. In this case, the new proposed location is too far from the house and when the change in elevation information is also considered, common sense points only to the conclusion that the building will not be used for automobile parking. It is contrary to sound community planning to allow a garage in a location which is not suitable for use as a garage. As we know, the use of the house for more than five years has been for a vacation rental home which is the equivalent to a hotel in a single family zone within the high fire zone. Approximately one year ago a court injunction against the owners of 1402 Grand was issued to stop the hotel from operating yet the property continues to have short term guests.

Logic and common sense make it clear the new building will only be used for storage of materials related to the vacation rental business conducted by the owners or as an additional party room for the vacation renters. The building ends up being an accessory building when the site already has accessory buildings which are used as part of the vacation rental. The site needs a carport for parking near the house, not an additional poorly positioned and designed two car garage too far away to be used as a two car garage.

The change in the condition of approval is contrary to law.

The condition for approval included a requirement for one covered parking space in a carport at a location near the house. It limited the size to one covered space and determined the location. The change repudiated the size and location of the required

covered parking space. The change was determined to be "substantial conformance" by staff after a hearing intended to be advisory to staff. That method of changing a condition of approval of a lot line adjustment was not consistent with due process, legal notice requirements and the requirement of the Subdivision Map Act and Title 27 of the Municipal Code. The advisory meeting before the SHO was not duly noticed in addition to being a sham. The change in the condition of approval of a lot line amendment must be processed with the same formality as the original approval and must be subject to appeal. None of that was done in 2010. There was no ten day notice, no adequate opportunity to appear and the approval by staff of the change in the conditions of approval is not authorized and is not in accord with Title 27 of the Municipal Code. Adding to the illegality, the SHO's resolution is unclear whether it was voicing agreement with staff or the conditions recommended by the Single Family Design Board prior to that sham meeting. The entire process by which the staff went out of its way to do favors to the applicants were not in accord with Titles 22, 27 and/or 28. Similar to the five year refusal to enforce the numerous violations, including the illegal vacation rental business, the staff went out of its way to support the Applicants without regard for the basic principles of good planning.

There are numerous additional reasons why the SHO should reject the staff recommendations proposed to be considered on July 27, 2011:

- The proposed new oversized building is shown with a pitched roof. During the hearing before the four members of the Single Family Design Board, when asked about the inconsistency between the roof of the new building and the flat roof of the house, the applicants' agent stated, as she has stated before, that the owner has considered changing the roof of the house in the future. That response does not change the fact that the roof lines are not consistent. Staff, not willing to burden the applicants with compliance with one of the most fundamental policies of the SFDB, did not pursue the question. The mere consideration of a possible future change to the roof line of the house is not a basis to find consistency. Such a comment is not even a promise. It is a diversion from the facts which the SFDB and staff should have rejected. The simple fact is that the pitched roof is not consistent with the architecture of the house on the site and any repetition of a discussion to consider making a change to the roof of the house does not solve the inconsistency.
- The staff report is devoid of facts related to the size of existing structures on the properties, the size and location of the proposed new structure, and any basis for its recommendations other than the staff does not want to inconvenience the applicants. In 2010, the SFDB comments and requests were summarily rejected by staff in favor of the same applicant who engaged in illegal use of the property for years, had removed a historic stone wall and has created parking spaces under the drip line of the Oaks. It is noted that the arborist hired by the Applicants has demonstrated his loyalty to the Applicants by attempting to justify that conduct which is contrary to the established standards to protect Oak trees.

- Despite the condition of approval which required the staff to verify the size of existing structures on the property **before** the return to SFDB, the results of the measurements which the staff planners claim were made, are not in the street file. It is noted that despite the fact a permit was issued to replace the exterior surface of the house with no change in square footage, the building and zoning staffs allowed the house to “grow” during the change in the exterior surface. Apparently due to inadequate inspections during construction by building and zoning staffs, it became significantly larger. Without the “growth” in the size of the house, the attractiveness of the site for vacation rental (hotel) use would be significantly less and the “need” for a storage building would be reduced. Needless to say, the proposed storage (accessory) structure adversely impacts the neighboring property and the use as a storage building or accessory building (party room) is not consistent with good community planning.
- It is well documented that City staff has retaliated against the neighbor for exercising the right to object to overdevelopment in the neighborhood. In the past, City staff strongly supported an attempt to put a 6000 square foot house at 1402 Grand and to allow a massive expansion on the steep hillside at 812 Largura. Both projects were rejected on appeal. Yet, a supervisor of design review put in writing his personal hatred of the efforts which were successful and has expressed his improper bias to others involved with review of the various projects and as-built construction. In retaliation, a supervisory building inspector signed off on the illegally expanded deck at 812 Largura. Another inspector had attempted to insert into the street file an “approval” document which was false. The Department finally admitted the misconduct but then retaliated against the persons making the disclosure. For example, a building inspector issued an improper stop work to block a routine driveway resurfacing project at the Cahill home. He went further and asked the public works staff to also issue improper notices of violation. When the licensed contractor and owner filed complaints regarding the conduct of the inspector, the stop work notice was withdrawn and final approval was quickly given at the site by the Building Official. It is not known what happened as a result of the complaint regarding unprofessional conduct apparently because the Human Relations department does not provide that information.
- The project designer for this project, despite claiming to park on Grand Avenue to avoid what she describes as parking, ingress and egress difficulties, actually parks her vehicle in the parking spaces created under the drip-line of the Oak. Contrary to the asserted difficulties, the house existed and adequately served as a single-family residence for 30 years before the current ownership. The often repeated story about how the property owner injured himself when he walked backwards over the edge of the driveway, although unfortunate, has no relevance to any land use issue other than the fact that access to the site makes it incompatible with the increased and different use caused by the vacation rental business. On a recent week-end, short term vacationers were

seen arriving at the property. The office of the City Attorney was alerted but it is not known what was done with the information.

- The staff has apparently decided to allow the arborist hired and working for the Applicants to make all decisions related to preservation of the Oak tree in the future. That is an improper delegation of responsibility for protection of the Oak. The arborist works for the owner, and is not responsive or responsible to the City but appears to be responsive to the requests of the owners.
- The SFDB, when it reviewed the project in 2010 insisted on a reduction in the building from 600 square feet to 400 square feet and strongly urged a minimum separation of nearly 20 feet between the back wall of the garage and the property line. There is no justification for the current larger size and the staff rejection of the recommendations of the SFDB regarding size of the structure and protection of the Oak.
- The SFDB membership has changed while this project has been pending. The four members present at the last meeting were directed by staff to improperly split the approval of one proposed project into two projects. Review of the landscaping ignored the parking under the Oak. Staff, for reasons it could not explain when asked, decided to split the project as if the lot-line adjustment somehow only impacted one of the two lots. It defies logic to split one project into two as if the land use issues and site planning concerns only involve one lot. An appeal of the SFDB votes has been filed which will require a full hearing at the City Council.
- The evidence that the applicants submitted a request for an extension of the expiration date of the lot-line adjustment in a timely manner is not adequate. Was a fee paid? When?

The SHO is requested to reject the recommendations of the staff and to deny the requests. In the event the SHO does not have access to all of the files and information regarding these matters, the SHO should continue the hearing to obtain the City files.

End.

Tony Fischer

From: "Jennings, Jennifer M" <jjennings@santabarbaraca.gov>
To: <fischlaw@cox.net>
Cc: "Riegle, Suzanne" <SRiegle@SantaBarbaraCA.gov>; "Cloonan, Michael J." <MCloonan@SantaBarbaraCA.gov>; "Wilde, Mark" <MWilde@SantaBarbaraCA.gov>
Sent: Monday, August 08, 2011 7:47 AM
Subject: RE: 1402 Grand/860 Jimeno LLA - PBW2009-01436
 Mr. Fischer,

I apologize that I was unavailable to help you when you stopped by. I did not hear that you had inquired to speak to me.

Would you like to send me a list of times that would be convenient for you to stop by and look at the file?

Jennifer M. Jennings
 Executive Assistant
 City of Santa Barbara, Department of Public Works
 (805) 897-2674

From: Tony Fischer [mailto:fischlaw@cox.net]
Sent: Thursday, August 04, 2011 3:33 PM
To: Johnson, Victoria
Cc: Riegle, Suzanne; Wilde, Mark; Cloonan, Michael J.
Subject: Re: 1402 Grand/860 Jimeno LLA - PBW2009-01436

Good **afternoon**. First, I was attempting to review the Planning file and the lot line adjustment file only to be told by Suzanne Riegle that the Planning staff has no information in its files regarding the lot line adjustment and does not keep any information it obtains from Public Works. Seems strange to have no information considering the representations made by Suzanne to the SHO last week regarding the project. Therefore I attempted to see the file by walking to the next counter (PW) and after waiting to speak with the person who should have access, I was informed by the receptionist that he could not be located within the building although she was sure he was in the building. Then I started this multiple person chain of emails which merely now gets me an opportunity to speak to someone about an appointment. I received this email while standing near the Public Works counter. I then spoke to the acting receptionist at your department who informed me that Ms. Jennings was in a meeting and therefore also unavailable to provide assistance in the simple task of making a public file available for inspection before your three day week-end. The receptionist promised to help. Is there any reason for this apparent endless chain of persons to contact to see a public file?

Tony Fischer, attorney

----- Original Message -----

From: "Johnson, Victoria" <VJohnson@SantaBarbaraCA.gov>
To: "Tony Fischer" <fischlaw@cox.net>
Cc: "Jennings, Jennifer M" <jjennings@santabarbaraca.gov>; "Riegle, Suzanne" <SRiegle@SantaBarbaraCA.gov>; "Wilde, Mark" <MWilde@SantaBarbaraCA.gov>

8/8/2011

Sent: Thursday, August 04, 2011 1:41 PM
Subject: 1402 Grand/860 Jimeno LLA - PBW2009-01436

Good **morning** M. Fischer, I understand that you have already viewed the Planning file with Suzanne Riegle at the Zoning counter yesterday.

Please make an appointment with Jennifer Jennings, Executive Secretary to the Public Works Director to view the Engineering plan check file for the Lot Line Adjustment. Ms. Jennings phone number is 897-2674.

Ms. V. Johnson
Project Engineer II

City of Santa Barbara
Public Works Department
vjohnson@SantaBarbaraCA.gov
(805) 897-2563

-----Original Message-----

From: Tony Fischer [mailto:fischlaw@cox.net]
Sent: Thursday, August 04, 2011 8:35 AM
To: Johnson, Victoria; Cloonan, Michael J.
Subject: Fw: Automatic reply: Lot line adjustment

----- Original Message -----

From: "Wilde, Mark" <MWilde@SantaBarbaraCA.gov>
To: "Tony Fischer" <fischlaw@cox.net>
Sent: Thursday, August 04, 2011 8:29 AM
Subject: Automatic reply: Lot line adjustment

I am on vacation July 29-Aug16th. Please contact Mike Cloonan for any urgent permit matters and please contact Victoria Johnson for projects in DART or for any final maps or documents issues. For more details, visit the City's website at: www.SantaBarbaraCA.gov. If you have an emergency inspection need, please call Randy Ward at 564-5396.

Original Message -----

From: Tony Fischer
To: direland@santabarbaraca.gov
Sent: Thursday, August 04, 2011 8:04 AM
Subject: Fw: Lot line adjustment

----- Original Message -----

From: Tony Fischer
To: mcloonan@santabarbaraca.gov
Sent: Wednesday, August 03, 2011 1:57 PM
Subject: Lot line adjustment

8/8/2011

Dear Mr. Cloonan,

I was at 630 Garden St. this morning and after waiting, they gave me your card. I am trying to see the files related to the lot line adjustment between 1402 Grand and 860 Jimeno. How can I see the file ASAP?

Tony Fischer, Attorney

563 6784 tel

fischlaw@cox.net

8/8/2011

Santa Barbara Estate



Home > USA > California > Central Coast > Santa Barbara Area > Santa Barbara >

Private Homes > VRBO Listing #53182

Santa Barbara 5 Acre Estate & Guest Hse:180 Degree Ocean Views

Private Homes, Santa Barbara, California Vacation Rental by Owner Listing 53182



LOCATION, LOCATION, LOCATION - Less than 2 miles to Beach, Walk to town

Location: Private Homes, Santa Barbara, Santa Barbara Area, Central Coast, California, USA (1 mile to Mission, downtown & Beach: Prestigious Riviera)

Accommodations: Private SB Estate & Guest Home, 5 Bedrooms, 5 Baths (Sleeps 5-12)

Be one of the few to experience this one of a kind 5 acre private Estate in the City of Santa Barbara with spectacular 360 degree ocean views and a secluded forest with California oaks!

This is the largest single parcel of land in the City limits of Santa Barbara. We are less than a mile to the Historic Old Mission and downtown Santa Barbara and also less than 2 miles to the Beach.

This is city living at its best as our Estate offers an impressive private 400 foot tree lined driveway that leads to the 5 bedroom Estate and Guest house. They both sit magnificently atop the lower Riviera with 360 degree views of the Ocean, Channel Islands, Santa Barbara Harbor & City Skyline, Montecito

Call Owner

Phone 1: **(714) 394-5667**

Todd (California, USA)

Phone 2: **(805) 689-8994**

Melanie (California, USA)

Please say "I saw your listing #53182 on VRBO". Before contacting us, please check our calendar for your desired dates.

Mountains and Ventura Coastline.

In addition to the view, the property is also home to native Southern California vegetation and wildlife such as deer, raccoons, rabbits, hawks, birds and numerous other animals who roam this truly unmatched Santa Barbara property. You can hike around our hilly, California Oak and tree filled private forest with over 1 mile of walking trails and stunning ocean views at nearly every vantage point.

The Estate itself will take your breath away upon entry as you will immediately see Ocean views from every angle, in this open floor plan, including 2 ten foot wide windows that extend from the floor to the ceiling. Every room is done with Italian stone, custom wooden beams & cabinetry and hand cast faux plaster walls which all add to the ambiance of this classic Santa Barbara estate.

In this open great room is the fully equipped state of the art kitchen that includes a Sub-Zero refrigerator, Wolf Stove, custom Santa Barbara cabinetry and Italian granite countertops. There is also an island that seats six and a separate area with a bar that make this kitchen a great gathering location.

Off the kitchen is a dining area with a Renaissance table that seats 10 in leather bullet and Italian tapestry chairs. Enjoy dining in front of spectacular ocean views and a cozy Waterford fireplace.

In this great room is also a living room with a leather couch and leather chairs that provide beautiful views and is great for entertaining. Relax and enjoy the high definition LCD/TV, DVD, stereo and wireless internet access in the middle of these 5 untouched acres.

Off the great room are glass doors leading to 1 of the 7 ocean view decks. This deck offers spectacular views of both the property and ocean, accompanied with wrought iron furnishings for your comfort.

Also off the great room are a half bath and the master suite.

The half bath offers an ocean view with custom cabinetry, Italian stone and hand painted Italian accents.

The large master suite, complete with ocean and mountain views, offers a king size bed and accompanying private bath. Every bedroom in the house has custom closets for ample storage and convenience. The full size bathroom is done in Italian stone and marble, custom cabinetry and glass. It is immaculately clean.

Downstairs offers 1 great room, 2 bedrooms and 1 ½ bathrooms. In the great room is a queen size four poster bed, comfortable couch,

game table and 42" Plasma TV/DVD and stereo. It is complimented with a Waterford fireplace and glass doors that lead to the 450 square foot deck. This deck has breath taking views of the Ocean, Channel Islands, coastline, City and the overall estate grounds. It offers wrought iron chaise lounges and table and chairs and is a wonderful place for entertaining, sunbathing or simply enjoying the Santa Barbara sunrise and sunsets.

The 3rd large bedroom has a king Tuscan bed that matches the wooden beams and stone floors providing the feeling of old world Santa Barbara architecture. It is so comforting that you may want to relax and read in the matching chaise or work at the desk that also provides ocean views. This bedroom has glass doors to its own private entrance leading outside to a small deck and its own half bath.

The 4th bedroom offers a double bed and is encased with windows and a glass door that leads to the large deck with spectacular ocean views.

Off the great room is a beautiful full bathroom with separate Jacuzzi tub and custom enclosed glass shower. In addition, it has custom marble, cabinetry, fixtures and a heated floor.

The outside grounds offer a beautiful courtyard made of Italian tile and travertine and is complimented with an Italian fountain. In the middle of the courtyard are 2 beautiful California oaks and 30 foot cactus which are 100+ years old. The courtyard leads to the guest house which offers a queen size French walnut antique bed, sitting area and full bathroom of Italian stone, custom glass and hand painted Avignon tiles. This private area has its own Waterford fireplace and private deck.

There are also numerous other areas around the property that offer decks, views and spectacular ambience for a picnic, with lemon and avocado trees sparsely out here and there. On top of the guest house is a large sun deck that has a gas grill, table and chairs and chaise lounges. This is the place to have great barbecues and enjoy the panoramic views of the estate.

This is a rare opportunity in the City of Santa Barbara, with untouched acreage the way Southern California used to be, in a beautiful brand new Estate and guest house.

Please be our guest and enjoy.

Vacation Rental Features

Activities	Hiking, Rock Climbing, Biking, Golf, Tennis, Racquetball, Basketball, Fitness Center, Gym, Horseshoes, Miniature golf, Amusement Parks, Fishing, Wildlife Viewing, Horseback Riding, Shopping, Restaurants, Live Theater, Cinemas, Museums, Sightseeing, Swimming, Snorkeling/Diving, Boating, Sailing, Waterskiing, Surfing, Windsurfing, Parasailing, Shelling, Rafting
Amenities	<ul style="list-style-type: none"> - Largest acreage of land within City of Santa Barbara with 5 acres - Over 1 mile walking trails - Incredible views of Ocean, Channel Islands, Santa Barbara Harbor & City Skyline, Montecito Mountains and Ventura Coastline from nearly every room and deck - 3 Waterford fireplaces - 3 TV's including 42" plasma, 32" LCD high definition, DVD's and stereo - Wireless High Speed internet router - 7 Decks with abundant wrought iron furniture - State of the art kitchen with Sub-zero refrigerator and Wolf stove - Walking distance to the Mission and downtown - Immaculately clean bathrooms of limestone, custom glass, cabinets and fixtures - Less than 2 miles to the Beaches - Other: 2 sets of washer and dryers, Internet access, TV, Cable TV, Stereo, CD Player, Full Kitchen, Microwave, Dishwasher,, Cooking utensils provided, Linens provided, Gas Grill (BBQ), Italian stone throughout, custom cabinetry, wood beams, faux painted plaster, No Smoking

Rate Details (In US Dollars)

Personal Currency Assistant™

Weekly rates:

Low season.... \$2,995 - \$3,695

High season...\$3,295 to \$4,795

Monthly rates:

Low Season \$8,500 to \$12,000; High Season .. \$12,000-\$18,000.

50% deposit required to secure reservation w/balance due 60 days prior to arrival

\$1,000 refundable security deposit.

\$395 Cleaning fee applies and 12% Tax on stays less than 30 days

Note: Until confirmed, rates are subject to change without notice.

Dates available: Available starting April 1, 2005
Before contacting us, please check our calendar for your desired dates.

Phone 1: **(714) 394-5667 Todd (California, USA)** Phone 2: **(805) 689-8994 Melanie (California, USA)**

Note: Each property is individually owned or managed.

Property Photos



1 of 7 decks with unmatched ocean, city & mountain views on 5 private acres - Santa Barbara Estate Rental



Private courtyard between House & Guest House w/Italian Fountain, 1 of 7 Decks - Santa Barbara Estate Rental



State of the art kitchen w/Sub-Zero & Wolf stove and island that seats 6 - Santa Barbara Estate Rental



Over 400 foot tree lined private drive to the House & Guest House



Large bedrooms each with custom closet space, some with private decks



Stunning Ocean Views with open floor plan and Italian stone throughout



1 of 7 decks with unmatched ocean, city & mountain views on 5 private acres



5 bedrooms w/exquisite furnishings, each bed unique in wood & origin, wood beams





Stunning ocean views and within a mile to the beach



The American Riviera



Guest Comments (0)

This property does not yet have any comments in the guestbook.

Be the first to add a comment to this listing...

Dates available: Available starting April 1, 2005

Before contacting us, please check our calendar for your desired dates.

Phone 1: **(714) 394-5667 Todd (California, USA)** Phone 2: **(805) 689-8994 Melanie (California, USA)**

Note: Each property is individually owned or managed.

Vacation Rentals by Owner Listing #53182

There have been 32863 visitors to this page since the counter was last reset in 2005.

This listing was first published here in 2005.

Date last modified - January 20, 2010

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Tony Fischer

From: "Weiss, Bettie" <BWeiss@SantaBarbaraCA.gov>
To: "Tony Fischer" <fischlaw@cox.net>; "Rodriguez, Cyndi" <CMRodriguez@SantaBarbaraCA.gov>; "Wiley, Stephen" <SWiley@SantaBarbaraCA.gov>; "Lopez, Marcelo A." <MLopez@SantaBarbaraCA.gov>; "Vincent, Scott" <SVincent@SantaBarbaraCA.gov>; "Riegler, Suzanne" <SRiegler@SantaBarbaraCA.gov>; "Community Development ABRsecretary" <abrsecretary@SantaBarbaraCA.gov>; "Community Development PC Secretary" <pcsecretary@SantaBarbaraCA.gov>

Sent: Monday, August 29, 2011 1:50 PM

Subject: RE: 1402 Grand and 860 Jimeno Rd processing

Hi Tony –

At first it did not occur to me to say to you that I would do an email to document what we talked about, but then a bit later I thought it would be an easy way to communicate to all the folks involved – so that's what I did. I think between the 2 of us we have covered the topics we spoke about.

1. However, I don't think I said and I do not mean to imply that you agreed the appeal of the July 5 SFDB action was not appropriate. In fact I state that we were "not able to reach a common understanding" with you on it. I think we are in agreement that if you file another appeal within the time allowed for the action once confirmed by the SFDB today – then matter of improvements to both 860 Jimeno and 1402 Grand will be brought to Council de novo.
2. Contact has been made with the applicants to explained the situation and our intent to have the whole project under appeal.
3. I understand that you don't agree with our position. However, as I stated in the prior email we have begun the process to refund the SHO appeal fee you paid based on what we believe is clear and correct advise from the City Attorney that the approval decision of the SHO on the time extension is not appealable.
4. & 5. No additional comments needed from me.

Thanks Tony – and feel free to call me if we need to discuss anything further.

Bettie

Bettie Weiss, City Planner

Community Development Dept.

City of Santa Barbara

(805) 564-5509

BWeiss@SantaBarbaraCA.gov

From: Tony Fischer [mailto:fischlaw@cox.net]

Sent: Monday, August 29, 2011 1:23 PM

To: Weiss, Bettie; Rodriguez, Cyndi; Wiley, Stephen; Lopez, Marcelo A.; Vincent, Scott; Riegler, Suzanne; Community Development ABRsecretary; Community Development PC Secretary

Subject: 1402 Grand and 860 Jimeno Rd processing

To: Bettie Weiss, City Planner, City of Santa Barbara

8/29/2011

From: Tony Fischer, Attorney for Mike and Linda Cahill
 Re: 1402 Grand and 860 Jimeno Road lot line adjustments.

This memorandum is in reference to your email dated August 25, 2011. It is copied at the end of this memorandum.

First, the apology for the mix-up in handling of the appeal is acknowledged and accepted.

Second, your email confirmation on August 25, 2011 at 1:45 PM of the conversation earlier that day is not complete:

1. At no time did I agree that the appeal filed with the city clerk regarding the July 5, 2011 votes of the SFDB was not appropriate and/or timely and it was my statement that once the appeal was filed with ten days of that hearing, the prior action of the SFDB was set aside pending the de novo hearing at the City Council. In my view, the SFDB consent calendar was operating with erroneous and incomplete information when it attempted to review the project on August 22, 2011. Because of the valid appeal, there was no longer a direction from the Full Board to the Board Member hearing the consent agenda.
2. I asked whether you had knowledge that the Applicants agreed with the City's position regarding your proposed handling of these matters. You stated that the City would deal with the Applicants to carry out the City's position that all of the matters related to the SFDB actions are open for review on appeal.
3. I reminded you, after you stated no appeal was filed regarding the SHO action on July 27, that an appeal had been filed. You then acknowledged that a timely appeal had been filed and stated that it is the position of the City that the granting of the extension of the approval of the lot line adjustment could not be appealed by any party. The only appeal would be of a denial of an extension and that would have to be filed by the applicant. You further stated that the City's position is that the vote of the SHO on July 27, 2011 did not change any of the conditions of approval from the earlier SHO approval in 2009. Further, it is the City's position that staff, not SHO, made a substantial conformance determination regarding the changes to the location of the parking structure, the substitution of a 27 foot long garage for a single car carport and the change in protections for the Oaks. Further, you stated that the staff determination could never have been appealed. I expressed disagreement with the City's positions regarding the validity of the staff's action and the refusal to allow review of changes to a lot line adjustment.
4. We did not discuss whether the conversation would be memorialized in a confirmation memorandum. I would have preferred the circulation of a draft in order to make sure that the memorandum to be distributed to the Office of the City Clerk, the Office of the City Attorney, the City Administrator and others, would be complete.
5. During our conversation you did mention that you had discussed, prior to our call, these matters with Scott Vincent of the Office of the City Attorney; Paul Casey, Community Development Director/Assistant City Administrator; and persons in your office.

Original Message —

From: Weiss, Bettie

8/29/2011

To: [Rodriguez, Cyndi](#) ; [Tony Fischer](#)

Cc: [Wiley, Stephen](#) ; [Lopez, Marcelo A](#) ; [Casey, Paul](#) ; [Tschech, Susan](#) ; [Vincent, Scott](#) ; [Riegle, Suzanne](#)

Sent: Thursday, August 25, 2011 1:45 PM

Subject: RE: Request for Records

Hello – I am writing to document the conversation I've had today with both of you - Tony Fischer and Cyndi Rodriguez (and I am copying everyone for ease of communication). The purpose for my communication today is to clarify the City's position with respect to Master Application 2008-00402 for improvements at 860 Jimeno Road & 1402 Grand Ave.

The City Clerk's office received an appeal letter for an action of the Single Family Design Board (SFDB) taken on July 5, 2011. Planning Staff advised the Clerks of our opinion that appeal was premature because the action taken on July 5th pertained to the 860 Jimeno property and we understand the issues in the appeal letter to be addressing the improvements proposed for 1402 Grand.

We expected that the Clerk's office would hold the appeal until such time as the other actions are taken by the SFDB. Planning staff was not able to reach a common understanding with the appellant and the Clerk understood our concern to be such that appeal was invalid and felt that it was inappropriate to hold. Therefore, the appeal was returned.

On Monday 8/22 the SFDB took an action to approved the remainder of this application. This Consent action will be presented to the SFDB on 8/29 to be ratified, and that will begin a 10 day appeal period ending 9/8. We anticipate that Mr. Fischer or his client will file an appeal within that time period. I informed him that we will consider all his points regarding the SFDB action (design review) for both properties to be legitimately brought forward to Council, and not disregard the points raised in the prior appeal that was returned.

On a separate but related note, I also informed Mr. Fischer that there is no appeal allowed for the approval of a time extension for Line Adjustment by the Staff Hearing Officer. We in the Planning Division did receive an appeal letter and \$220 fee, and we are in the process of refunding that fee.

I apologize for the confusion and take responsibility for City staff communications on this matter.

Thank you all for your support and understanding.

8/29/2011

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

420 ALAMEDA PADRE SERRA

SANTA BARBARA, CALIFORNIA 93103

TELEPHONE (805) 965-2777

FAX (805) 965-6388

EMAIL: kathleenweinheimer@cox.net

September 26, 2011

Mayor Helene Schneider and Members
of the City Council
City of Santa Barbara
City Hall
Santa Barbara, California 93101

Re: Cahill Appeal of SFDB Decisions Regarding 1402 Grand Avenue

Dear Madame Mayor and Members of the City Council:

I represent Melanie Cava and Todd Drevo, owners and residents of 1402 Grand Avenue, a 5.2 acre property on the lower Riviera. For the past several years, Ms. Cava and Mr. Drevo have been attempting to complete a lot line adjustment with their neighbors, Mr. and Mrs. Joseph Yob, owners of the home at 860 Jimeno Road. Ms. Cava and Mr. Drevo at one time owned the Jimeno Road property, and as a condition of sale of that property to the Yobs, negotiated a transfer of 3,140 square feet of the Jimeno Road property to the Grand Avenue site to facilitate parking and emergency access. Neither party to the sale could have anticipated the extent of opposition which would be raised to this simple request.

Background

The original request for a lot line adjustment between the Yob and Cava/Drevo properties was approved by the Staff Hearing Officer (SHO) on June 3, 2009. Among the conditions of approval were several requirements addressing the preservation of a large oak tree near the newly adjusted property line, as well as a requirement that covered parking on the Grand Avenue site be provided. On June 30, 2010, Ms. Cava and Mr. Drevo sought, and received, approval for certain minor changes to the conditions of approval, which addressed the method of restricting parking under the oak tree and substituted a two car garage for the previously approved carport. Because of unexpected delays in obtaining lender approval for the lot line adjustment, Ms. Cava and Mr. Drevo found it necessary to apply for, and receive, a three year time extension of the lot line adjustment approval. This time extension was granted by the SHO on July 27, 2011. Subsequent thereto, Ms. Cava and Mr. Drevo obtained the required design approval for the garage and landscaping, and recorded the lot line adjustment on August 16, 2011.

The Appeal

Over the last several months, Tony Fischer, attorney for Mike and Linda Cahill, has filed a series of appeals, challenging everything from the staff's 2010 acceptance of a respected arborist's recommendations because the arborist was paid by the applicant, to assertions that the approved garage is not in keeping with the surrounding area. He alleges that Ms. Cava and Mr. Drevo are operating an illegal vacation rental (an issue which was resolved to the City's satisfaction several years ago), as well as claims that the staff is bias against his clients. What is lacking in Mr. Fischer's appeal, however, are any facts relevant to the decisions made by the Single Family Design Board, the only issue properly on appeal.

Apparently, Mr. and Mrs. Cahill object to the size, location, and design of the garage approved for the Grand Avenue site. Because the garage is 7 feet longer than the minimum 20 foot dimension and not located immediately adjacent to the house, the appellants assert that this is proof that the garage will not be used for parking. The appellants disregard the significant site constraints which dictate the location of the garage (and which were appreciated by the SFDB in granting their approval of the location), and instead allege that because the garage plan allows for a modest amount of storage, it will be a "party room for the vacation rentals." Further, they assert that a 562 square foot garage is somehow out of character with other properties in the neighborhood (none of which begin to approach 5.2 acres in size). Finally, they appear to object to the pitched roof design. At no time do the appellants identify any ordinance violations relating to the SFDB approval, offer any examples of the alleged inconsistencies with City policies or with similarly situated properties, or provide any quantifiable basis for their objections. They simply don't like the garage and want the approval overturned.

While the Cahills are certainly entitled to their opinion, the fact that they dislike their neighbors' proposal, one which meets all setback, height, and design requirements, does not form a valid basis for overturning the actions of the SFDB.

The Factual Setting

The Cava/Drevo property is accessed by a long, narrow, dangerous driveway extending from the end of Grand Avenue some 689 feet to the residence. Because of the manner in which the properties were originally divided and developed many years ago, there was little room on the Grand Avenue site for parking and drivers were forced to back down this long and perilous driveway. To address these concerns, the Yobs and the Cava/Drevo's agreed to transfer approximately 3,140 square feet from the Yob property to the Grand Avenue parcel and filed an application for a lot line adjustment in August of 2008. Various designs were proposed, all with the goal of increasing parking and access

to the site. Careful consideration was given to the preservation of an existing large oak tree on the Yob property, with the imposition of conditions requiring annual monitoring of the health of the tree, preventing parking near the tree, and limiting landscaping near the tree roots. Similar care was taken with designing the parking and maneuvering areas to assure safe ingress and egress without adversely impacting the tree. The SHO approved this request in 2009, including the conditions protecting the oak tree and limiting the parking areas onsite. The 2009 approval also contained a requirement that covered parking be provided in a carport. The 2009 decision was not appealed.

As is often the case, when the applicants began refining their design in anticipation of recording the lot line adjustment and obtaining the necessary building permits, they decided that a garage was much more in keeping with a property of this caliber, and they sought approval from the City to substitute a garage for the previously approved carport. As part of this substitution, the location of the covered parking was relocated slightly, which necessitated minor changes to the back-up/turn around area under the oak tree (for example, a change from a rock border to a curb). The SHO found these proposed alterations in substantial conformity to the original approval and granted the requested change. The 2010 decision was not appealed.

As mentioned previously, the parties to the lot line adjustment were delayed in obtaining the required approvals from their lenders in order to complete the lot line adjustment by the 2011 deadline. In order to preserve their approval, the applicants filed for, and received a time extension, something which is regularly granted if the applicants have shown progress on their project. We have been advised by staff that time extensions are not appealable.

Within a month of the receipt of the time extension from the SHO, the applicants completed the design review process with the SFDB and recorded the lot line adjustment. The Cahills are now appealing the action taken by the SFDB. Although the appeal includes a variety of unrelated issues, including objections to the time extension process, complaints about the attitude of staff, and false allegations about the actions of the applicants, these assertions are not properly before the Council and should not be considered as part of this appeal. The matter before the Council is simply whether or not the decisions of the SFDB regarding the garage should be upheld.

The SFDB

The SFDB is charged with determining whether a given application meets the City's design criteria, is compatible with the surrounding neighborhood in size and design, and

is in keeping with the Neighborhood Preservation Ordinance, the Single Family Design Guidelines, and other relevant guidelines applicable to construction in this zone. A careful review of the record shows that the Planning staff, the SHO, and the SFDB spent a great deal of time assuring that the project would meet the requirements of the Neighborhood Preservation Ordinance through the imposition of conditions addressing the height of vegetation, the location of parking and turn around areas, and the overall design of the garage. As stated in the minutes of the SFDB action, the findings required by Santa Barbara Municipal Code Section 22.69.050 have all been made for this project.

More significantly, however, is the fact that there is nothing in the various appeal letters and accompanying documents which provides a justifiable basis to challenge the SFDB's 5-0 decision approving this project. Nowhere does the appellant state which ordinance provision has been violated, which finding is lacking, or what design criteria has been overlooked. Rather, the appeal is fraught with unfounded allegations impugning the integrity of staff, the applicants, and the process. Rather than working with the applicants to obtain the most acceptable proposal possible, Mr. Cahill has chosen to spend his time accosting Ms. Cava's and Mr. Drevo's visitors, asking them how much they are paying to visit the property, falsely accusing staff of bias, and raising absurd objections to the minutes of various City proceedings (such as the allegation that SFDB minutes are erroneous because they fail to list every staff member in the room). An inordinate amount of time has been wasted on complaints about the adequacy of the notice (the SFDB agenda mistakenly included reference to the earlier SHO actions; however, since Mr. Cahill and his attorney have been present at each and every hearing, clearly the notice was legally effective), the lack of detail in the minutes, the fact that consent calendar items are not televised, and other procedural objections which are irrelevant to this decision, as the appellants have been afforded every opportunity to participate throughout. It is indeed unfortunate that an appellant is afforded a government forum to rail against both staff and the applicant without respect for truth or integrity. Staff, the SHO, and the SFDB have done nothing to deserve the vitriol aimed at them throughout this process. They have conducted themselves professionally and without bias to either party. The simple fact that the appellants disagree with the decision is not evidence of error.

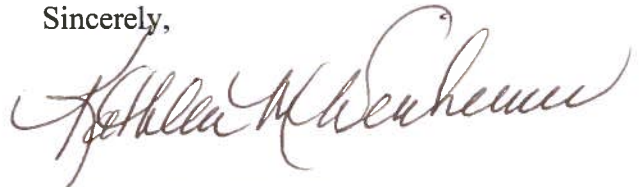
Conclusion

The last two sentences of Mr. Fischer's letter of September 8, 2011 summarize the only real issues in this appeal: Mr. Cahill wants the garage relocated or the carport condition reinstated. The appeal offers no basis for either request. Clearly, an enclosed parking garage of 562 square feet, which includes a modest amount of space for storage of gardening equipment, garbage containers, and the like, is preferable to an open carport.

Mayor Helene Schneider and Members
of the City Council
September 26, 2011
Page five

One would think this is particularly true for a neighbor who can view the site from his home. More importantly, the applicants received approval to substitute the garage for the carport more than 15 months ago, and have spent considerable time and money in reliance on that approval. The SFDB members have applied their expertise as design professionals to review and approve the project, believing it to be an appropriate improvement, especially given the size of the residence (2,400 square feet) and the parcel (5.2 acres). Careful consideration has been paid to the legitimate concerns raised throughout the review process and appropriate conditions protecting the oak tree and the adjacent environment have been imposed and upheld. As such, on behalf of Ms. Cava and Mr. Drevo, who have been living with this exhausting and expensive process for more than three years, I respectfully request that you deny this appeal and uphold the decision of the SFDB. Thank you very much.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kathleen M. Weinheimer', written in a cursive style.

Kathleen M. Weinheimer

SHEET INDEX

VICINITY MAP

SHEET INDEX

PROJECT INFORMATION

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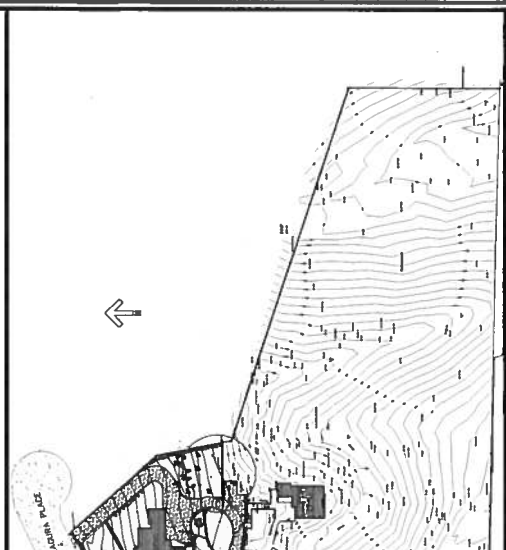
CHARGE THE PROPERTY. DO NOT EXISTING CHARGING GATE & FENCES, REPLACE WITH HIGH GATE FENCES AND LIGHTS, AND RAISING TO TOP OF THE ALTH BOOM WALL, A FENCE IN THE ALAN RAIL, WALLS AND LANDSCAPING. CONCEPT A WE 80 AND 70/17 2 OF GATE.

NEW WE 80 AND GATE AT GROUND PROPERTY THE IMPROVE THE FENCE LINE

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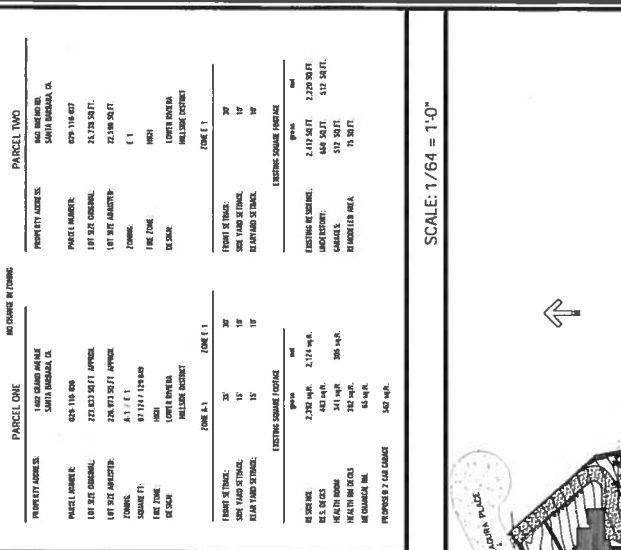
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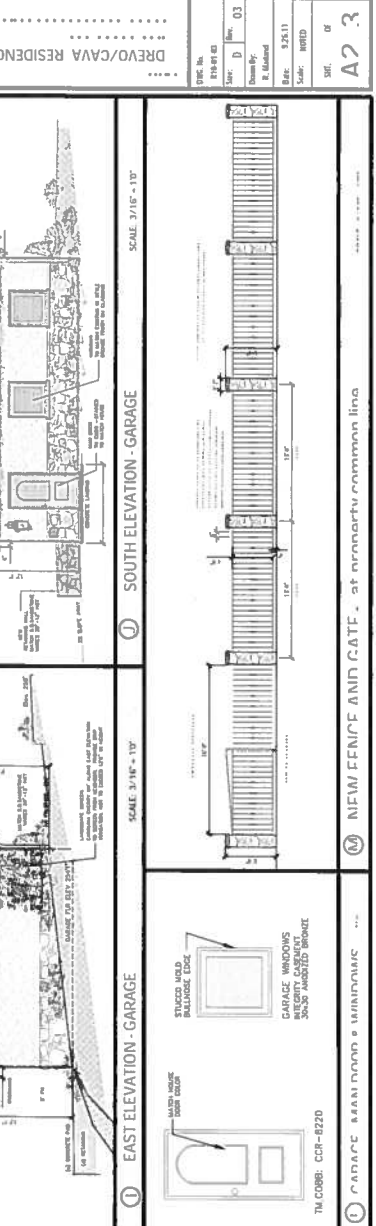
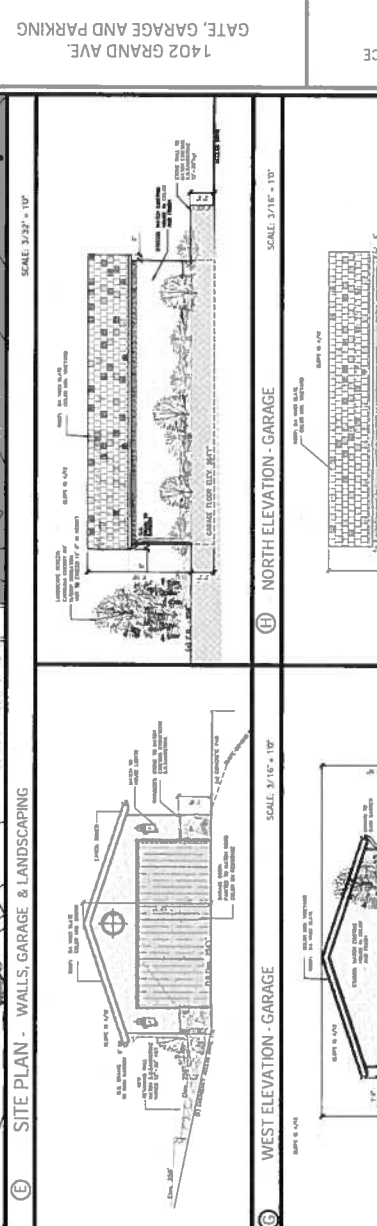
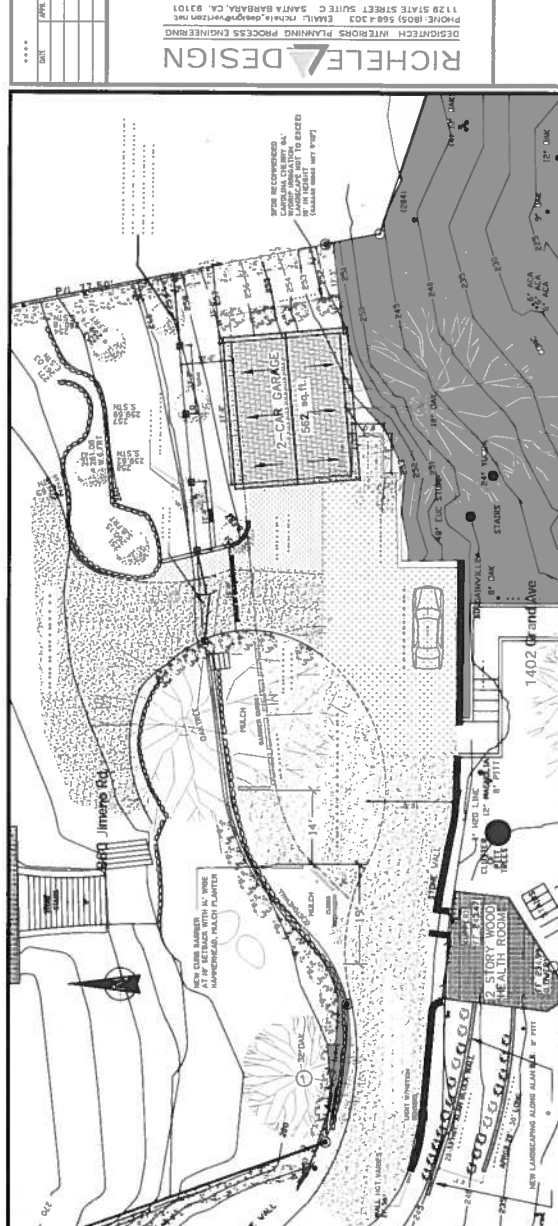
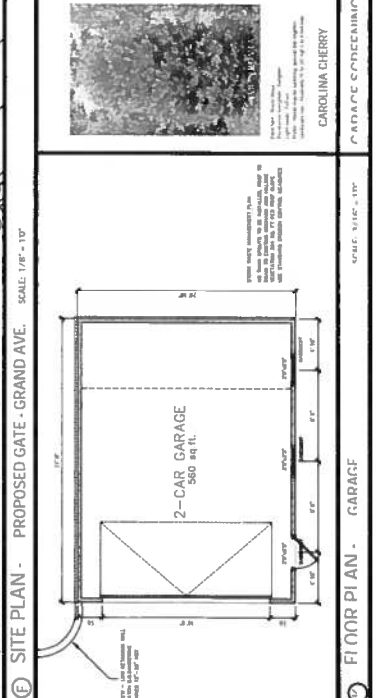
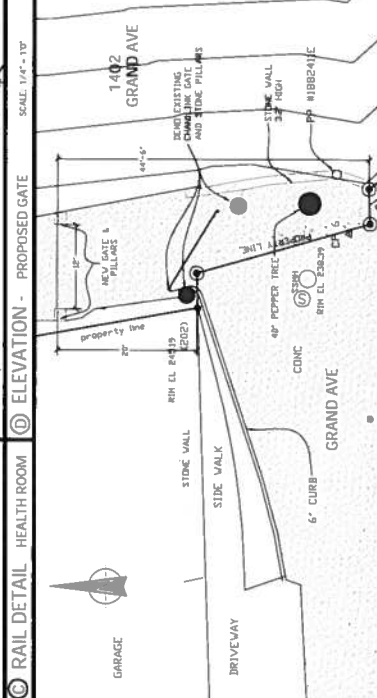
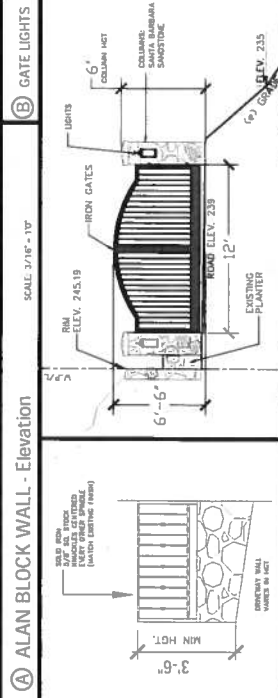
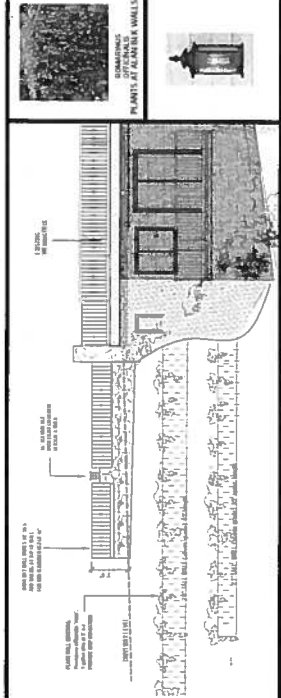
SCALE: 1/64" = 1'-0"



SHEET INDEX

DIRECT REPLY TO: ON BEHALF OF THE OFFICIALS OF THE NATIONAL INSTITUTE OF
 PRIZES AND LIGHTS. ADD MAILING NO. TOP OF THE ALTA BODEN WALL. 6 DECEMBER 1945. ALTA BODEN
 WALLS AND LANDSCAPES. CONTACT A 101 543 5071 7 CBI CARTEL.





1402 GRAND AVE.
GATE, GARAGE AND PARKING

DREVO/CAVA RESIDENCE

DATE: 11/20/2020
DRAWN BY: R. M. M. M.
CHECKED BY: R. M. M. M.
SCALE: 1/8" = 1'-0"

1120 STATE STREET SUITE C SANTA BARBARA, CA 93101
PHONE: (805) 568-4303
FAX: (805) 568-4303
WWW.RICHELEA.COM

1120 STATE STREET SUITE C SANTA BARBARA, CA 93101
PHONE: (805) 568-4303
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DESIGN REVIEW ACTIVITIES SUMMARY

860 JIMENO RD (MST2008-00402)**R-LLA**

This project has been revised to add a 562 square foot detached two-car garage for 1402 Grand Avenue and the proposed total of 3,401 square feet on the 5.2 acre lot is 47% of the maximum floor-to-lot area ratio guideline. Proposal for a lot-line adjustment to decrease 860 Jimeno Road and increase 1402 Grand Avenue by 3,140 square feet. Resulting lot sizes would be 22,598 and 226,973 square feet (5.2 acres) respectively. The lots are located in the Hillside Design District. The project includes a new entry gate and "as-built" changes to the stone walls along the driveway at 1402 Grand Avenue. The project also includes alterations to the residence at 860 Jimeno Road consisting of replacement of an existing window with new French door, adding a new window, and converting the existing permitted understory to habitable space. Staff has determined that the changes to the project are in substantial conformance with Conditions of Approval contained in Staff Hearing Officer Resolution No. 046-09.

Status: *Design Review Approved/PC Approved, No Design Review Required*

DISP

Date 3

SFDB-Concept Review (New) - PH

CONT

02/17/09

(Comments only; project requires environmental review and Staff Hearing Officer approval of a lot line adjustment.)

Actual time: 4:25

Present: Richele Mailand, Agent.

Public comment opened at 4:47 p.m.

1. Tony Fischer, Attorney for Mike and Linda Cahill: requested renotification due to errors; concerned that the lot line adjustment will provide increased parking, and that the ABR's comments for verification of proper engineering and construction of Allan Block walls were not adhered. Mr. Fischer inquired whether the Board had received his comment letter submitted via e-mail.
2. Jill Kent, neighbor: concerned about glare from entry gate lights.

Public comment closed at 4:57 p.m.

Mr. Limon explained that during construction it was determined that the walls had been shortened by removing several stone courses, and no calculations were required because of the reduction. The ABR had expected the project to return for a final review; therefore, the item is referred to the SFDB for review. Initially the improvements were felt to be minor in nature and the project was scheduled for review on Consent Calendar, however due to as-built violations the application was withdrawn. Staff has not concluded support of the lot line adjustment.

Motion: Continued indefinitely to the Full Board with the following comments:

- 1) Project will be renoticed for the next meeting. Applicant to review notice for description accuracy.
 - 2) Add substantial landscaping to screen the Allan block wall. The Board did not comment on the durability or safety of the existing wall.
 - 3) Provide additional drawings of the understory at 860 Jimeno Road, show the patio door in relation to the exterior grade.
 - 4) The proposed window at lower level of 860 Jimeno Road is to match the house.
 - 5) Applicant to study adding a landscape island to the turnaround to prevent parking of additional vehicles. Graded area will only be utilized for maneuvering of vehicles.
 - 6) Provide additional information of material for turn around area and drainage information due to grading on property.
 - 7) All as-built and proposed lighting shall be down cast to prevent night glare to neighbors. Provide cut sheets for all proposed lighting.
 - 8) Existing driveway wall to have a 42 inch guardrail in keeping with the historic nature of stone walls, wrought iron is suggested.
- Action: Carroll/Bernstein, 6/0/0. Motion carried. (Mahan absent.)

(Comments only; project requires environmental review and Staff Hearing Officer approval of a lot line adjustment.)

Actual time: 4:25

Present: Richele Mailand, Agent.

Public comment opened at 4:47 p.m.

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- 7) All as-built and proposed lighting shall be down cast to prevent night glare to neighbors. Provide cut sheets for all proposed lighting.
- 8) Existing driveway wall to have a 42 inch guardrail in keeping with the historic nature of stone walls, wrought iron is suggested.

Action: Carroll/Bernstein, 6/0/0. Motion carried. (Mohan absent)

SFDB-Concept Review (Cont.)

CONT

03/02/09

(Comments only; project requires environmental review and Staff Hearing Officer approval of a lot line adjustment.)

Actual time: 4:11

Present: Richele Mailand, Agent; Todd Drevo, Owner.

Public comment opened at 4:22 p.m.

1. Tony Fischer, Attorney for Mike and Linda Cahill, opposed: drawings were not available to the public last week; as-built grading should be reviewed by Staff and the Board; in 2007 the old stone wall and vegetation were removed resulting in an enforcement case, a large parking lot now exists; as-built grading would not have been approved if proposed prior to completion; the Allan block wall was not engineered and the permit expired; comments on lot line adjustment should look at project as blank slate.

2. N. Lichtenstein, opposed: concerned about the possibility of cars idling at the driveway gate.

Public comment closed at 4:32 p.m.

Motion: Continued indefinitely to Full Board with the following comments:

- 1) Show an accurate tree drip line
- 2) Show irrigation for the Rosemary shrubs.
- 3) Submit a design to Transportation Planning that provides a hammer head turnaround minimizing impact to the tree drip line and provide landscaping in the area not required for the turn around.
- 4) Study the light fixtures at the gate.
- 5) Obtain comments from Transportation Planning for the gate location.
- 6) Provide additional wrought iron railing details.
- 7) Provide window details for 860 Jimeno.
- 8) Staff to verify the appropriate setback for the gate.

Action: Woolery/Carroll, 7/0/0. Motion carried.

SFDB-Concept Review (Cont.)**CONT****03/16/09**

(Third Concept Review. Comments only; project requires environmental review and Staff Hearing Officer approval of a lot line adjustment.)

Actual time: 3:51

Present: Richele Mailand, Agent; Todd Drevo, Owner; and Suzanne Johnston, Associate Planner.

Public comment opened at 3:58 p.m.

Tony Fischer, Attorney for Mike and Linda Cahill, opposed: lot line adjustment gives area from the small lot to the large lot; the proposed turnaround area at 17 feet is wide enough to park two cars; concerned that the Board does not have construction drawings for the Allan Block wall.

A letter in opposition from Paula Westbury was acknowledged.

Public comment closed at 4:03 p.m.

Suzanne Johnston, Assistant Planner, clarified that originally a permit was needed; however, upon conducting a site investigation, Jim Buster, former ?? determined that if one course of Allan block was removed the building permit would no longer be required.

Motion: Continued to the Staff Hearing Officer and continued indefinitely to Full Board with the following comments:

- 1) The lot line adjustment is supportable as presented.
- 2) The hammerhead driveway turnaround is approved as noted on plans to be no wider than 14 feet.
- 3) Remove the decomposed granite under the Oak tree by hand and replace with bark and several large boulders. An arborist is to approve the bark and boulder proposal.
- 4) Plant a small tree in the small triangular planter.
- 5) The Allan block wall is acceptable as noted on the plans; it is understood that the wall will be reviewed by the Building and Safety Division.
- 6) Windows are approved as noted on the plans.
- 7) Show irrigation to the Rosemary shrubs.
- 8) Indicate that the health room exterior lighting uses a motion detector.
- 9) Comments 4 and 8 were carried forward from the minutes of March 2, 2009: 4. Staff to verify the appropriate setback for the gate. 8. Study the light fixtures at the gate.

Action: Carroll/Woolery, 7/0/0. Motion carried.

SFDB-Concept Review (Cont.)**CONT****05/10/10**

(Comments only; project requires Staff Hearing Officer determination of substantial conformance.)

Actual time: 3:46

Present: Richele Mailand, Agent; Kathleen Weinheimer, Attorney.

Suzanne Riegle, Assistant Planner explained that project revisions must return to the Staff Hearing Officer to review for substantial compliance with conditions of approval in Resolution 046-09. Staff supports the two car garage but does not support any increase in driveway turnaround area.

Public comment was opened at 3:57 p.m.

Eileen Boris: concerned about maneuverability on site and guest parking on Grand Avenue; light and noise pollution at new gate.

Tony Fischer: opposed to noncompliance with Staff Hearing Officer Conditions of Approval; concerned about possible future rental of the proposed garage; opposed to pitched roof style of garage (submitted written documents).

Mike Cahill: neighbor, opposed to view encroachment of proposed garage.

Joe Yob: neighbor at 860 Jimeno, favors appearance of a garage over a carport.

An e-mail from Jill Kent expressing concerns was acknowledged.

A letter in opposition from Paula Westbury was acknowledged.

Public comment was closed at 4:09 p.m.

Straw vote: is the architectural style of the proposed garage acceptable? 4/3/0

Motion: Continued indefinitely to the Staff Hearing Officer with the following comments:

- 1) Reduce the garage length to 20'8" inches, keeping the rear wall at a distance of 19'10" from the property line to move the garage toward the East further away from the Oak tree.
- 2) The garage architecture is generally acceptable to a majority of the board.
- 3) Comments 1, 2, 3, 4 and 7 from the meeting of 3/16/2009 were carried forward: 1. The lot line adjustment is supportable as presented. 2. The hammerhead driveway turnaround is approved as noted on plans to be no wider than 14 feet. 3. Remove the decomposed granite under the Oak tree by hand and replace with bark and several large boulders. An arborist is to approve the bark and boulder proposal. 4. Plant a small tree in the small triangular planter. 7. Show irrigation to the Rosemary shrubs.
- 4) Eliminate the landscape planter along the stone wall.
- 5) An arborist is to study the proposed garage location in relation to the downhill Oak tree root structure and provide protection measures.

Action: Mahan/Woolery, 7/0/0. Motion carried.

SFDB-Concept Review (Cont.)

APVD

07/05/11

(Comments only; a Staff Hearing Officer hearing is scheduled for July 13, 2011, for a requested time extension for the lot-line adjustment (Resolution No. 046-09).

(3:21)

Present: Richele Mailand, Agent.

Suzanne Riegle, Assistant Planner, clarified for the Board transportation requirements and minor project changes.

Public comment opened at 3:34 p.m.

Patrick Corrigan, addressed concerns regarding the integrity of the 2.5 foot retaining wall separating the site from his neighboring property.

Linda Cahill, opposed: addressed concerns regarding the zoning and history of use of the site; proposed garage proximity to Ms. Cahill's property and potential obstruction of views.

Public comment closed at 3:43 p.m.

Motion 1: Project Design Approval and Final Approval for the portion of the project at 860 Jimeno Road, with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code with window changes contingent upon the Staff Hearing Officer time extension approval.

- 1) Findings for quality materials and neighborhood compatibility were made.

Action: Woolery/Zimmerman, 4/0/0. Motion carried. (Bernstein/Sweeney absent).

Motion 2: Continued indefinitely to the Staff Hearing Officer and return to Consent Calendar for the portion of the project at 1402 Grand Avenue with the following comments:

- 1) The project received positive comments on location and size of proposed garage structure; hammerhead turnaround, fire accessibility, entry gates, and Allan Block wall.
- 2) Provide landscape screening of the garage from the uphill neighbor, which does not exceed the garage height. Provide landscape details when returning to Consent Calendar.

Action: Woolery/Miller, 4/0/0. Motion carried. (Bernstein/Sweeney absent).

SFDB-Consnt (Proj Des & Final)

APVD

08/22/11

(Project Design & Final Approval is requested for alterations to 1402 Grand Ave. 860 Jimeno was granted Project Design & Final Approval on July 5, 2011.)

The following interested parties expressed concerns regarding the proposed project:

Mike and Linda Cahill (adjacent neighbors); and Tony Fischer (Attorney).

Project Design Approval and Final Approval for 1402 Grand Avenue with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code and subject to the following conditions:

- 1) Show the landing and grades at the garage.
- 2) Landscaping screening at the garage is not to exceed the height of the ridge of the garage.

Duke McPherson, Arborist

201 East Mountain Drive

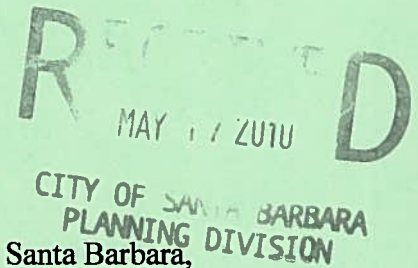
Santa Barbara, CA 93108

Phone 805 705-9529

E-mail: treemanduke@cox.net

May 16, 2010

Richele Mailand
Richele Design & Consulting
1129 State Street # 21
Santa Barbara, CA 93101



Regarding: Coast Live Oak tree protection issues, 1402 Grand Avenue, Santa Barbara, California.

Dear Richele,

I am writing you this arborist letter report to document our findings from our meeting on May 14th on the subject property in reference to the protection of a Coast Live Oak, *Quercus agrifolia*, during proposed construction of a detached garage.

The tree is located on the upper edge of a steep slope above and to the northeast of the main residence building (see the accompanying plan section). It has an 18" trunk diameter at 4.5' up from the soil level. At present it appears to be in good health though, being situated in a fast draining soil medium, is subject to fluctuation depending on seasonal rainfall totals.

The Critical Root Zone (CRZ) of the tree is represented by the area within the dripline plus 5', is shown on the attached site plan section along with the outline of the proposed garage. The configuration of the garage outline overlaps the CRZ for a maximum of 3' along an 18' section.

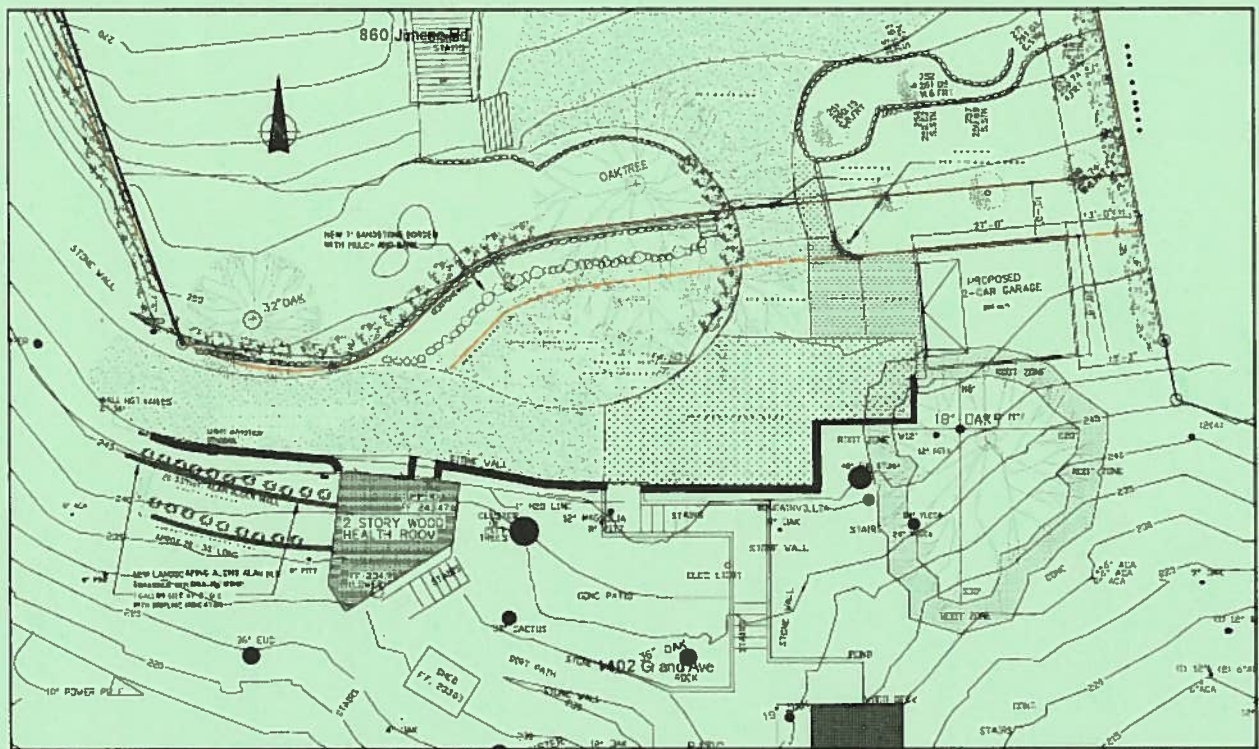
I conclude that the area intruded upon by the garage foundation excavation is of such a small fraction of the total CRZ that the tree's health will not be affected.

In this letter I also include concerns of another Coast Live Oak whose trunk is located on the property adjoining (860 Jimeno Road). One of the chief concerns was the proposal to use part of the area within its CRZ for a turnaround. I addressed the problem in a letter form arborist report dated April 16, 2009 to you. I concluded that because the owner had installed perforated plastic pipes in holes drilled throughout the exposed soil area, proper root aeration and water infiltration will occur even though vehicles would be allowed.

Sincerely yours,

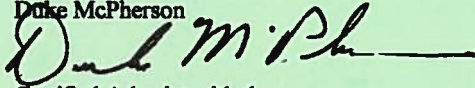
Duke McPherson

EXHIBIT D



The subject oak (18" trunk diameter) is located to the right of the plan section. Its Critical Root Zone is the area from the trunk to the outer edge of the darkened five foot zone adjoining the tree's dripline.

Report prepared by
Duke McPherson

A handwritten signature in black ink, appearing to read "Duke McPherson", with a long horizontal flourish extending to the right.

Certified Arborist with the
International Society of Arboriculture
Certification # WE-0690A

Member of the
American Society of
Consulting Arborists
Membership # 1113

Duke McPherson, Arborist

P.O. Box 5667

Santa Barbara, CA 93150

Phone 805 969-4676

E-mail: treemanduke@cox.net

April 16, 2009

Richele Design & Consulting
914 Anacapa Street
Santa Barbara, CA 93101

Re: notes added to a letter of March 26, 2009.

Dear Richele,

I am writing this arborist report in letter form concerning the protection of a Coast Live Oak tree, *Quercus agrifolia*, on the property at 860 Jimeno Road, Santa Barbara, California. I wrote an earlier report, dated October 28, 2008, which dealt with some of the same issues as are found here. As mentioned before, the tree is 49" in diameter at 4 ½' up the trunk and despite a recent rather severe pruning and an attack of the California Oak Moth, *Phryganidia californica*, during the summer of 2008, is, in my opinion, in good health. Two inch diameter holes had been cored by the owner to a depth of 18" over a large section of the compacted soil area south of and below a retaining wall 6' from the tree's base.

The issue at present is whether the entire section of 1059 square feet and roughly in the shape of a half circle (termed here, the subject area) can be used to park vehicles or whether it would be preferable to use only a fraction of the area as a "hammerhead turnaround" and mulch and landscape approximately 594 square feet of the area.

First, we need to study exactly what occurs when soil is compacted. The upper most layer is compressed to form a hard crust (approximately 6" depending on soil texture) which inhibits the movement of air that is vital to maintaining good root health. It also prevents water infiltration into the soil during periods of rain. Roots generally do not establish themselves in this layer.

also ref B-5 geotechnical

It is my opinion that root health could be preserved in the subject area even if it was used for vehicular parking and turning around. I recommend that the entire area be cored in the manner described above and that perforated plastic pipe (Schedule 40 rated with ¼ " drilled holes) be placed in the holes to a depth of 18". In this way the holes would be preserved permanently as lined aeration and water infiltration tubes thus counteracting the possibility of compaction by vehicular traffic.

The above letter, written on March 28, 2009, leaves out two additional issues:

1. There is a setback line located west of a driveway which borders the subject area on the east, running north to south, and 10' into the area of the Critical Root Zone of the oak tree. To better insure that parking does not occur within the setback, it has been suggested that the area be planted. I recommend that a non-root invasive plant which needs little irrigation water be used such as *Agave attenuata*.
2. Another smaller area at the western end of the subject area is to be planted with a tree. This is a difficult soil for tree roots to penetrate, inhibiting establishment. Also, roots could become invasive to the retaining wall and driveway. I recommend that Agaves or their equivalent be planted here instead of a tree.

Sincerely yours,

Duke McPherson
Certified Arborist with the
International Society of Arboriculture
Certification # WE-690-A

Duke McPherson, Arborist

201 East Mountain Drive
Santa Barbara, CA 93108

Phone 805 969-4676

E-mail: treemanduke@cox.net

October 28, 2008

Richele Design and Consulting
914 Anacapa Street
Santa Barbara, CA 93101

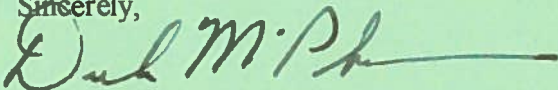
Regarding: 860 Jimeno Road, Santa Barbara, California

Dear Richele,

I am writing you this letter report in response to our meeting on October 24th at the property cited above. At that time you drew my attention to a 49" diameter (at 4.5' up the trunk) Coast Live Oak tree, *Quercus agrifolia*, situated on sloped terrain below (south) of the main residence. I examined the tree to determine its health level and determined that, even though it has sparse foliage throughout the canopy due to pruning for view and has had a moderate attack of the California Oak Moth, I assessed it to be in good health. You voiced concern that a proposal to pave the soil over a large part of the root system and demolition and re-making of the field stone retaining wall at its base may negatively impact its health.

First, I conclude that the program of tree care being carried on is exemplary: the terraced area around its base is not being irrigated, the retaining wall has had weep holes drilled into it every four feet at its base to allow for effective winter season drainage, and the approximately 1300 square foot compacted decomposed granite ground cover has had aeration holes drilled through it into the soil below. I recommend that no disturbance of the retaining wall occurs to prevent possible root impact and that the present decomposed granite cover which provides maximum root system aeration should be left as is. I feel that paving the root area with asphalt may cut off the effective root aeration that the tree receives at the present time.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Duke McPherson', with a long horizontal flourish extending to the right.

Duke McPherson
Certified Arborist with the
International society of Arboriculture
Certification number WE-0690



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 046-09

1402 GRAND AVENUE AND 860 JIMENO ROAD

LOT LINE ADJUSTMENTS

JUNE 3, 2009

APPLICATION OF RICHELE MAILAND AGENT FOR MIDWEST INSTITUTION, LLC & JOSEPH A. YOB, 1402 GRAND AVENUE & 860 JIMENO ROAD, 029-110-036 & 029-110-037, A-1/E-1 AND E-1 SINGLE FAMILY RESIDENTIAL ZONES, GENERAL PLAN DESIGNATION: 1 UNIT/ACRE (MST2008-00402)

The proposed project consists of a Lot Line Adjustment between the properties located at 1402 Grand Avenue (Parcel 1) and 860 Jimeno Road (Parcel 2). The lot line adjustment will result in a transfer of 3,140 sq. ft. of lot area from Parcel 2 to Parcel 1. The proposal includes the installation of automatic gates at the driveway entry for 1402 Grand Avenue, the landscaping screening of as-built Alan block walls south of the driveway, landscaping of an as-built turnaround area to limit its usage to a turnaround and prevent parking within the setback, and alterations to the house at 860 Jimeno Road including window and door changes.

The discretionary application required for this project is a Lot Line Adjustment (LLA) to change the property line between Parcel 1, 1402 Grand Avenue (APN 029-110-036) and Parcel 2, 860 Jimeno Road (APN 029-110-037) (SBMC §27.40 & Gov. Code §66412).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality guidelines Section §15301 (Alterations to Small Structures) and §15305 (Minor Alteration in Land Use Limitations).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, two people appeared to speak in opposition of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 27, 2009.
2. Site Plans
3. Correspondence received expressing concerns about the project:
Paula Westbury, 650 Miramonte Drive

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

Approved the subject application making the following findings and determinations:

- I. Approved the project making the finding that the proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances, as

shown in section VI.A -C. The lot line adjustment would create two legal lots that conform to the zoning requirements in the A-1 and E-1 zones as described in Sections V. and VI.C., dated May 27, 2009.

II. Said approval is subject to the following Conditions of Approval for 1402 Grand Avenue:

A. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project until the following Staff Hearing Officer land use conditions have been satisfied for the property located at 1402 Grande Avenue:

1. A one-car carport shall be constructed to provide one covered parking space in the location identified as the concrete parking area. The northern most parking space is the preferred location along the existing fence.
2. The proposed driveway turnaround shall be a hammerhead not to exceed a maximum of 14 foot width. The applicant shall work with Transportation staff and the SFDB to reduce the amount of paving and decomposed granite as much as possible, especially in the required setbacks to discourage the use of these areas for parking. A physical barrier shall be placed between the turnaround area and the adjacent landscaped areas to discourage access parking.
3. Large boulders shall be placed along the turnaround edge to prevent parking in areas not designated as the approved turnaround and within the required setback.
4. The decomposed granite shall be removed from under the Oak tree on the 1402 Grand Avenue property by hand and replaced with bark.
5. A small tree shall be planted in the small triangular planter.
6. Irrigation shall be shown on the plans for the Rosemary shrubs.
7. The exterior lighting for the health room shall be placed on a motion detector.
8. The driveway entry gate shall be setback a minimum distance of 20 feet from the front property line or shall be reduced to a maximum height of 3.5 feet
9. **Tree Protection Measures.** The landscape plan shall include the following tree protection measures, intended to minimize impacts on trees:
 - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
 - b. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Duke McPherson, dated May 27, 2009, shall be implemented.
10. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure, and watering of vegetation on the steep slope shall be kept to the minimum necessary for plant

survival. The drip system along the bluff edge shall be removed after one full season of plant growth.

11. **Permeable Paving.** The turnaround area shall remain a permeable paving system that will allow a portion of the paved area runoff to percolate into the ground.
13. **Unit Size.** The size of existing residence to be verified prior to return to the SFDB.
14. **Zoning Compliance Declaration.** A Zoning Compliance Declaration shall be recorded against 1402 Grand Avenue.

B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute *a written instrument prepared by Community Development staff*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on June 3, 2009 is limited to a Lot Line Adjustment, construction of a one-car carport, and improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement. The following tree protection shall be incorporated:
 - a. **(Oak) Tree Protection.** The existing tree(s) shown on the Landscape Plan approved by the SFDB shall be preserved, protected, and maintained (in accordance with the recommendations contained in the arborist's report prepared by Duke McPherson, dated March 26, 2009. A copy of this report shall be attached to the recorded conditions as an exhibit.) The following provisions shall apply to any oak trees to remain on the property:
 - (1) No irrigation systems shall be installed within three feet of the drip line of any oak tree.

- (2) The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.

4. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

C. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:

1. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof or Declaration of Lot Line Adjustment* to the Public Works Department, including the legal description of the subject properties prior to, and following the lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement/Declaration shall be recorded in the Office of the County Recorder.
2. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.

D. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board, outlined in Section A above.
2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a

Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

3. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading,

contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- F. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in

this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Staff Hearing Officer's action approving the Lot Line Adjustment for 1402 Grand Avenue shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §27.40.100. The applicant may apply for an extension of this approval as provided in Section 27.40.100.B.

III. Said approval is subject to the following Conditions of Approval for 860 Jimeno Road:

- A. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project until the following Staff Hearing Officer land use conditions have been satisfied for the property located at 860 Jimeno Road:
 1. **Tree Protection Measures.** The landscape plan shall include the following tree protection measures, intended to minimize impacts on trees:
 - a. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s).
 - b. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Duke McPherson, dated March 26, 2009, shall be implemented.
 2. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure, and watering of vegetation on the steep slope shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.
 3. **Unit Size:** The size of existing residence to be verified prior to return to the SFDB.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute *a written instrument prepared by Community Development staff*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on June 3, 2009 is limited to a Lot Line Adjustment

and improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.

2. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement. The following tree protection shall be incorporated:
 - a. **(Oak) Tree Protection.** The existing tree(s) shown on the Landscape Plan approved by the SFDB shall be preserved, protected, and maintained (in accordance with the recommendations contained in the arborist's report prepared by Duke McPherson, dated March 26, 2009. A copy of this report shall be attached to the recorded conditions as an exhibit.) The following provisions shall apply to any oak trees to remain on the property:
 - (1) No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - (2) The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
- C. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:
1. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof or Declaration of Lot Line Adjustment* to the Public Works Department, including the legal description of the subject properties prior to, and following the lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement/Declaration shall be recorded in the Office of the County Recorder.
 2. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
- D. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board, outlined in Section A above.
2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

3. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
4. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- E. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Staff Hearing Officer's action approving the Lot Line Adjustment for 860 Jimeno Road shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §27.40.100. The applicant may apply for an extension of this approval as provided in Section 27.40.100.B.

This motion was passed and adopted on the 3rd day of June, 2009 by the Staff Hearing Officer of the city of Santa Barbara.

STAFF HEARING OFFICER RESOLUTION No. 046-09
1402 GRAND AVENUE & 860 JIMENO ROAD
JUNE 3, 2009
PAGE 11

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Gloria Shafer, Staff Hearing Officer Secretary

Date

II. CONSENT ITEMS:

ACTUAL TIME: 9:02 A.M.

A. APPLICATION OF RICHELE MAILAND, AGENT FOR MIDWEST INSTITUTION, LLC & JOSEPH A. YOB, 1402 GRAND AVENUE AND 860 JIMENO ROAD, APNs 029-110-036 AND 029-110-037, A-1/E-1 AND E-1 SINGLE FAMILY RESIDENTIAL ZONES, GENERAL PLAN DESIGNATION: 1 UNIT/ACRE (MST2008-00402)

This is a request for a three-year Time Extension of the expiration date of the Lot Line Adjustment and Modification approved by the Staff Hearing Officer on June 3, 2009, and on appeal by City Council May 11, 2010. The project consists of a lot line adjustment to decrease 860 Jimeno Road and increase 1402 Grand Avenue by 3,140 square feet. Resulting lot sizes would be 22,598 and 226,973 square feet (5.2 acres) respectively. The lots are located in the Hillside Design District. On June 30, 2010, a substantial conformance determination was made by the Staff Hearing Officer that the construction of a 603 square foot detached two-car garage for 1402 Grand Avenue was consistent with intent of the condition to provide a minimum of one covered parking space. The project includes a new entry gate and as-built changes to the stone walls along the driveway at 1402 Grand Avenue. The project also includes alterations to the residence at 860 Jimeno Road consisting of replacement of an existing window with new French door, adding a new window, and converting the existing permitted understory to habitable space.

Present: Richele Mailand, Agent; and Joseph A. Yob, Owner.

Suzanne Riegle, Assistant Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:04 a.m.

Mike Cahill, opposed, (enforcement history memo and photographs submitted) representing himself, the Neighborhood Association, and Mr. Tony Fischer, recommended denial of granting the proposed time extension in the best interest of the health, welfare, and safety of the neighborhood citing concerns due to documented numerous enforcement violations since 2005 regarding the subject property.

Letters of concern from Paula Westbury and Mike Cahill were acknowledged.

The Public Hearing was closed at 9:09 a.m.

ACTION:

Assigned Resolution No. 029-11

Approved the three-year time extension to June 3, 2014 for the lot-line adjustment and Modification, subject to the original Conditions of Approval contained in Staff Hearing Officer Resolution No. 046-09.

Ms. Reardon also clarified that the Substantial Conformance Determination granted in June 2010 did not amend the Conditions of Approval contained in SHO Resolution No. 046-09.

It was announced that the approval of the time extension is not appealable to the Planning Commission.

III. PROJECTS:

ACTUAL TIME: 9:12 A.M.

A. APPLICATION OF MARK MORANDO, AGENT FOR GRAHAM ASHLOCK, 2320 CLIFF DRIVE, APN 041-242-025, E-3 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2011-00214)

The 4,949 square foot project site is currently developed with a 1,210 square foot single-family residence and attached 404 square foot two-car garage. The proposed project involves a 69 square foot addition to the rear of the existing residence and the addition of new 172 square foot and 36 square foot trellises.

The discretionary application required for this project is a Modification to permit alterations and additions to a portion of the residence located within the required six-foot (6') interior setback (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301 and 15305.

Present: Mark Morando, Agent; and Graham Ashlock, Owner.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Betsy Teeter, Planning Technician, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:16 a.m., and with no one wishing to speak, the Public Hearing was closed.

Letters of support from Jon Blake and Rollin and Wendy Weeks, as well as a letter of concern from Paula Westbury, were acknowledged.

ACTION:

Assigned Resolution No. 030-11

Approved the Modification making the findings as outlined in the Staff Report dated July 20, 2011.

The ten calendar day appeal period to the Planning Commission was announced and is subject to suspension for review by the Planning Commission.

ACTION:

Assigned Resolution No. 034-10

The Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed front setback encroachment allows for an architectural improvement, without additional floor area, without impacts to the neighbors.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME: 10:56 A.M.

G. **APPLICATION OF RICHELE MAILAND FOR MIDWEST INSTITUTION, LLC & JOSEPH A. YOB, 1402 GRAND AVENUE & 860 JIMENO ROAD, 029-110-036 & 029-110-037, A-1/E-1 AND E-1 SINGLE FAMILY RESIDENTIAL ZONES, GENERAL PLAN DESIGNATION: 1 UNIT/ACRE (MST2008-00402)**

A Substantial Conformance Determination has been requested to allow for changes to the approved project conditions outlined in Staff Hearing Officer Resolution 046-09. Condition II.A.1 required a one-car carport be built and the applicant has revised project to include the construction of a 603 square foot detached two-car garage for 1402 Grand Avenue. The applicant has requested revisions to conditions II.A.2-5, which restricted the vehicular access on the lot to the minimum area needed to turn a vehicle around, with a condition for planters and boulders to restrict vehicular access. The applicant has requested the enlargement of the area identified as a turn around area and a guest parking space.

Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality guidelines Section §15303 (New Construction of Small Structures) and §15305 (Minor Alteration in Land Use Limitations).

Present: Kathleen Weinheimer, Attorney for applicant; Richele Mailand, Applicant; Duke McPherson, Arborist; Todd Drevo and Melanie Cava (Midwest Institution, LLC), Owners; Jim Austin, Fire Inspector.

Suzanne Reigle, Assistant Planner, gave the Staff presentation and recommendation. Ms. Reigle clarified that a paragraph regarding categorical exemption was inadvertently omitted from the agenda.

Mr. Austin, Fire Inspector explained that the proposal improves the Fire Department's ability to access the property. Mr. McPherson, Arborist stated that he is comfortable that the tree compaction issue had been addressed, and it was his opinion that the tree is healthy and the proposed parking area is acceptable.

Mr. McPherson suggested obtaining a base arborist report to aid in monitoring against moth infestation.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

The Public Hearing was opened at 11:19 a.m.

Benita Wilson, spoke in support.

Francesca Cava, spoke in support.

A petition containing eleven neighbor signatures in support was acknowledged.

The Public Hearing was closed at 11:23 a.m.


Ms. Reardon questioned vehicular maneuverability. Chelsey Swanson, Assistant Transportation Planner explained that a standard vehicle can turnaround in one maneuver, larger vehicles might require several back and forth maneuvers. Ms. Mailand suggested reducing the amount of decomposed granite within the 10' setback and having an arborist conduct baseline and yearly reports.

After considerable discussion, the Staff Hearing Officer recommended Staff find the project to be in Substantial Conformance with the original approval with the following comments: 1) The applicant is to submit a written agreement to Staff for approval prior to final determination. 2) The increased turn around area was acceptable with the understanding that if the Oak tree appears to be adversely affected then the decomposed granite could be reduce and reverted to mulch. 3) The property owner is to work with the neighboring property owner to prevent future Oak tree infestation.

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 11:44 a. m.

Submitted by,



Gloria Shafer, Staff Hearing Officer Secretary

ACTION:

Assigned Resolution No. 045-09

Approve the project making the findings outlined in the Staff Report as revised at the hearing, and subject to the Conditions of Approval in Exhibit A of the Staff Report with the added Condition D.1. "Carport Height" The carport shall not exceed the maximum 7' interior height, and 9' 6" height to roof line, level with ground, and 19' maximum length.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

ACTUAL TIME 10:36 A.M.

F. APPLICATION OF RICHELE MAILAND AGENT FOR MIDWEST INSTITUTION, LLC & JOSEPH A. YOB, 1402 GRAND AVENUE & 860 JIMENO ROAD, 029-110-036 & 029-110-037, A-1/E-1 AND E-1 SINGLE FAMILY RESIDENTIAL ZONES, GENERAL PLAN DESIGNATION: 1 UNIT/ACRE (MST2008-00402)

The proposed project consists of a Lot Line Adjustment between the properties located at 1402 Grand Avenue (Parcel 1) and 860 Jimeno Road (Parcel 2). The lot line adjustment will result in a transfer of 3,140 sq. ft. of lot area from Parcel 2 to Parcel 1. The proposal includes the installation of automatic gates at the driveway entry for 1402 Grand Avenue, the landscaping screening of as-built Alan block walls south of the driveway, landscaping of an as-built turnaround area to limit its usage to a turnaround and prevent parking within the setback, and alterations to the house at 860 Jimeno Road including window and door changes.

The discretionary application required for this project is a Lot Line Adjustment (LLA) to change the property line between Parcel 1, 1402 Grand Avenue (APN 029-110-036) and Parcel 2, 860 Jimeno Road (APN 029-110-037) (SBMC §27.40 & Gov. Code §66412).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality guidelines Section §15301 (Alterations to Small Structures) and §15305 (Minor Alteration in Land Use Limitations).

Present: Richele Mailand, Agent.

Suzanne Johnston, Assistant Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 10:48 a.m.

Tony Fischer, Attorney representing Mike and Linda Cahill: not opposed to the carport, but concerned that the property is being used as a vacation rental. Supported the Conditions of Approval for protection of the Oak tree. Height limits should be established for the carport, with a flat roof to match the house. Parcel statistics are reversed on elevations, and square footages should be verified.

Mike Cahill, neighbor, opposed: if approved, roof of carport should be non-reflective and match the house roof and not obstruct the view corridor; suggested restoring the previous rock wall, which was removed.

A letter from Paula Westbury expressing concerns for the project was acknowledged.
The public hearing was closed 11:08 a.m.

Mr. Kato, Senior Planner, explained that a property rented for longer than one month it is considered residential; the health room is a detached accessory room and rental as a separate dwelling is not permitted.

Ms. Reardon questioned the minimum area required for head out maneuvering, and whether there is an active code enforcement case. Ms. Wilson responded that the proposal includes options 1 and 2 shown on the plans, and option 2 provides a wider berth for the turnaround. Ms. Johnston replied that her understanding is that option 2 is outside of the setback.

Ms. Reardon questioned whether there is an active building code enforcement case. Ms. Johnston, replied that there is not an open enforcement case as it was determined that there was not a significant square footage change.

Public comment reopened at 11:26.

Tony Fischer, Attorney representing Mike and Linda Cahill: clarified his statements regarding inconsistencies in the square footages listed on the plan.

Public comment was closed.

ACTION:

Assigned Resolution No. 046-09

Approved the project making the finding that the proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances, as shown in section VI.A-C. The lot line adjustment would create two legal lots that conform to the zoning requirements in the A-1 and E-1 zones as described in Sections V. and VI.C., dated May 27, 2009.

Said approval is subject to the Conditions of Approval contained in Exhibits A and B of the Staff Report as revised at the meeting, with the conditions that 1) I.A.2. add "A physical barrier shall be placed between the turnaround area and the adjacent landscaped areas to discourage access parking."; and 2) Add condition I.A.13. "The size of existing units to be verified prior to return to the SFDB"; and 3) Add condition I.A.14. "A Zoning Compliance Declaration shall be recorded." Said approval is also subject to the Conditions of Approval contained in Exhibit B of the Staff Report as revised at the meeting, with the added condition I.A.3. "Unit Size: The size of existing residence to be verified prior to return to the SFDB."



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 11, 2011
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Conference With Legal Counsel – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Santa Barbara Channelkeeper v. City of Santa Barbara*, USDC Case No. CV-1103624 JHN (AGRx)

SCHEDULING:

Duration: 30 minutes - Anytime

REPORT:

None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office